

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 25, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN EARL TOOKS,

Defendant - Appellant.

No. 24-6029
(D.C. No. 5:22-CR-00239-JD-4)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **EID, KELLY, and BRISCOE**, Circuit Judges.

Pursuant to a plea agreement containing an appellate waiver, Kevin Earl Tookes pleaded guilty to conspiring to possess and distribute fentanyl, in violation of 21 U.S.C. § 846. The district court sentenced him to 188 months in prison, which was at the bottom of the advisory Sentencing Guidelines range of 188 to 235 months.

Mr. Tookes appealed, and the government now moves to enforce the appeal waiver. *See United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc) (per curiam). In response, Mr. Tookes “acknowledges that his appeal waiver is enforceable under the standard set out in *United States v. Hahn*.” Resp. at 1.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Based on Mr. Tooks's concession, and our application and interpretation of *Hahn*, we grant the government's motion to enforce the appeal waiver and dismiss this appeal.

Entered for the Court

Per Curiam