

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11330

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD A. KIRKENDALL,
a.k.a. Richard Andrew Kirkendall,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:21-cr-00087-CEM-EJK-1

Before ROSENBAUM, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

The Government’s motion to dismiss this appeal pursuant to the appeal waiver in Appellant’s plea agreement is GRANTED. *See United States v. Bushert*, 997 F.2d 1343, 1351 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily); *United States v. Boyd*, 975 F.3d 1185, 1192 (11th Cir. 2020) (sentence appeal waiver will be enforced where “it was clearly conveyed to the defendant that he was giving up his right to appeal under *most* circumstances” (quotation marks and brackets omitted)); *Thomas v. United States*, 572 F.3d 1300, 1303 (11th Cir. 2009) (the law-of-the-case doctrine bars appellate courts from revisiting issues that were decided in a prior appeal); *United States v. Stein*, 964 F.3d 1313, 1322-24 (11th Cir. 2020) (the law-of-the-case doctrine applies to a legal decision made at one stage of the litigation that is unchallenged in a subsequent appeal when the opportunity existed).