

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-13833
Non-Argument Calendar

D.C. Docket No. 3:16-cr-00161-MMH-JBT-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GEORGE PENA,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(June 11, 2018)

Before TJOFLAT, NEWSOM and ANDERSON 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, 1350–51 (11th Cir. 1993) (sentence appeal waiver will be enforced

if it was made knowingly and voluntarily); *United States v. Bascomb*, 451 F.3d 1292, 1297 (11th Cir. 2006) (appeal waiver “cannot be vitiated or altered by comments the court makes during sentencing”); *United States v. Grinard-Henry*, 399 F.3d 1294, 1296 (11th Cir. 2005) (waiver of the right to appeal includes waiver of the right to appeal difficult or debatable legal issues or even blatant error); *United States v. Buchanan*, 131 F.3d 1005, 1008 (11th Cir. 1997) (stating that motions to dismiss based on sentence appeal waivers should be decided at the earliest stage, except in extraordinary circumstances, to avoid depriving the government of the benefit that it has bargained for).