

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 18-12835  
Non-Argument Calendar

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D.C. Docket No. 1:17-cr-00193-WSD-CMS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAPHAEL MENARD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Georgia

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(February 14, 2019)

Before ED CARNES, Chief Judge, TJOLFAT and JORDAN, 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).