

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12016

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT BIRCHUM,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:23-cr-00032-KKM-TGW-1

Before LAGOA, BRASHER, and ABUDU, 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)); see also *United States v. Howle*, 166 F.3d 1166, 1169 (11th Cir. 1999) (a sentence appeal waiver waives difficult and debatable legal issues, including even blatant error); *United States v. Bascomb*, 451 F.3d 1292, 1296–97 (11th Cir. 2006) (an appeal waiver may include a waiver of constitutional claims).