

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11783
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS FERNANDO REYES JUAREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 3:24-cr-00032-TES-CHW-1

Before GRANT, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Luis Fernando Reyes Juarez appeals his 240-month sentence for possession with intent to distribute cocaine. The government has moved to dismiss the appeal pursuant to the appeal waiver in

Reyes Juarez’s plea agreement. We will enforce a defendant’s sentence appeal waiver if the waiver was knowingly and voluntarily made. *United States v. Bushert*, 997 F.2d 1343, 1350–51 (11th Cir. 1993). And the “touchstone” for determining if a defendant’s appeal waiver was knowing and voluntary is whether it was clearly conveyed to the defendant that he was giving up his right to appeal under most circumstances. *United States v. Boyd*, 975 F.3d 1185, 1192 (11th Cir. 2020).

Here, Reyes Juarez’s plea agreement contained a waiver of the right to appeal his sentence unless the sentence exceeded either the statutory maximum sentence or the advisory Sentencing Guidelines range calculated by the district court, or the government appealed the sentence. Reyes Juarez signed the plea agreement and initialed every page, and the district court specifically discussed the appeal waiver with him at the change-of-plea hearing. In response to the court’s questioning, he confirmed his understanding that he was waiving his right to appeal any sentence imposed except under very limited circumstances. The exceptions to the appeal waiver do not apply, so the government’s motion to dismiss the appeal is GRANTED.

APPEAL DISMISSED.