

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 18, 2013

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ROBERT ARTHUR BREWSTER,

Defendant-Appellant.

No. 13-1418
(D.C. No. 1:13-CR-00081-RBJ-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **LUCERO, HOLMES,** and **BACHARACH,** Circuit Judges.

After entering into a plea agreement that included a waiver of his right to appeal, Robert Arthur Brewster pleaded guilty to one count of producing child pornography in violation of 18 U.S.C. § 2251(a). He was sentenced to 235 months of imprisonment, lifetime supervised release, and \$3,000 in restitution, and he forfeited certain computer equipment. Notwithstanding the waiver, Mr. Brewster appealed.

* This panel has determined that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

The government has moved to enforce the appeal waiver under *United States v. Hahn*, 359 F.3d 1315, 1325, 1328 (10th Cir. 2004) (en banc) (per curiam). In response, through counsel, Mr. Brewster has conceded that the appeal waiver is enforceable. And although we need not address a *Hahn* factor that the defendant does not contest, see *United States v. Porter*, 405 F.3d 1136, 1143 (10th Cir. 2005), our independent review confirms that all of the *Hahn* factors are satisfied.

The motion to enforce is granted and the appeal is dismissed.

Entered for the Court
Per Curiam