

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 18 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CARL BRADLEY JOHANSSON, AKA
Keith Golatta, AKA C. Brad Johanson, AKA
Brad Johansson, AKA Brad Johnson, AKA
Carl Johnson, AKA Jay Johnson,

Defendant-Appellant.

Nos. 22-50303
22-50304

D.C. Nos.
5:18-cr-00114-VAP-3
5:21-cr-00170-VAP-2
Central District of California,
Riverside

ORDER

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

Appellee's motion to dismiss these consolidated appeals in light of the valid appeal waiver (Docket Entry No. 21) is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (knowing and voluntary appeal waiver whose language encompasses the right to appeal on the grounds raised is enforceable); *see also United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011) (appeal waiver covers challenge to denial of motion to withdraw guilty plea). Contrary to appellant's contention, the government did not waive its right to assert the appeal waiver by failing to object to defense counsel's remarks at sentencing, nor could the district court's statements at sentencing have given appellant a reasonable expectation that he had the right to appeal. *See United States v. Arias-Espinosa*,

704 F.3d 616, 618-20 (9th Cir. 2012).

DISMISSED.