

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 20 2025

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARIN SCHILMILLER, AKA Babe, AKA
Tyler,

Defendant - Appellant.

No. 24-5383

D.C. No.

3:19-cr-00058-RRB-MMS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted October 15, 2025**

Before: FRIEDLAND, MILLER, and SANCHEZ, Circuit Judges.

Darin Schillmiller appeals from the district court's judgment and challenges the 360-month sentence imposed following his guilty-plea conviction for conspiracy to produce child pornography in violation of 18 U.S.C. § 2251(a), (e).

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction under 28 U.S.C. § 1291, and we dismiss.

Schilmiller contends that his above-Guidelines, statutory maximum sentence is substantively unreasonable. We do not reach the merits of this claim because, as the government argues, Schilmiller waived his right to appeal this issue. As part of his plea agreement, Schilmiller waived “the right to appeal any sentence imposed pursuant to th[e] agreement,” as long as it did not exceed the statutory maximum. The record reflects that Schilmiller’s waiver was knowing and voluntary, and Schilmiller does not contend otherwise. We therefore dismiss this appeal. *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).

DISMISSED.