NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA Plaintiff - Appellee, v. MOHAMED ABDIRISAK MOHAMED, Defendant - Appellant.	No. 25-3265 D.C. No. 2:23-cr-00053-RAJ-2 MEMORANDUM[*]

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Submitted October 28, 2026[**]
Seattle, Washington

Before: M. SMITH and CHRISTEN, Circuit Judges, and SYKES, District Judge.[***]

Mohamed Abdirisak Mohamed appeals from his criminal conviction and sentence, contending that the district court erred in denying his motion to withdraw

[*] 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).

[***] The Honorable Sunshine Suzanne Sykes, United States District Judge for the Central District of California, sitting by designation.

his guilty plea without an evidentiary hearing. Mohamed claims that his guilty plea was involuntary because he was under the influence of drugs during his plea negotiations and during his change of plea hearing. The government argues that Mohamed knowingly and voluntarily waived his right to this appeal when he entered his guilty plea pursuant to a written plea agreement. We have jurisdiction under 28 U.S.C. § 1291. We enforce the appeal waiver contained in Mohamed's plea agreement and dismiss this appeal.

We review *de novo* an appellant's waiver of the right to appeal. *United States v. Wells*, 29 F.4th 580, 583 (9th Cir. 2022). But we review the "district court's findings for clear error." *United States v. Kaczynski*, 239 F.3d 1108, 1114 (9th Cir. 2001). We have consistently read broad, general waivers of appellate rights to cover all appeals, including appeals from the denial of a motion to withdraw a guilty plea. *United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011). "A defendant's waiver of his appellate rights is enforceable if (1) the language of the waiver encompasses his right to appeal on the grounds raised, and (2) the waiver is knowingly and voluntarily made." *Id.* (quoting *United States v. Jeronimo*, 398 F.3d 1149, 1152 (9th Cir. 2005)). If the appellate waiver does not bar review, we review the district court's denial of a motion to withdraw a guilty plea for abuse of discretion. *See United States v. Hernandez*, 105 F.4th 1234, 1238 (9th Cir. 2024).

Mohamed's written plea agreement contained a broad, general waiver. He agreed to waive "all rights to appeal from [his] conviction, and any pretrial rulings of the Court, and any rulings of the Court made prior to entry of the judgment of conviction." Thus, we conclude that the issues raised in Mohamed's appeal are encompassed by the appellate waiver. *See Rahman*, 642 F.3d at 1259.

Therefore, we consider whether Mohamed's plea, including the appellate waiver, was knowing and voluntary. Mohamed argues that the plea was involuntary because he was under the influence of drugs at the time it was negotiated and formally entered. To corroborate his claim, Mohamed provided the district court with a declaration from his newly retained counsel stating he was under the influence at the time and specifying the type of drugs he was using. Additionally, Mohamed provided disciplinary records from the Bureau of Prisons one month after his guilty plea showing that he was in possession and under the influence of drugs.

To rebut these claims, the government presented a declaration from Mohamed's former counsel who declared that after representing him for sixteen months, including during the period at issue, that he "did not seem to be under the influence of alcohol or drugs" and she believed she would have noticed if anything had seemed out of the ordinary. Additionally, we note that at the change of plea, the district court thoroughly questioned Mohamed, in compliance with Federal

Rule of Criminal Procedure 11. At that time, Mohamed affirmatively stated that he understood and agreed to waive his rights to appeal.

After reviewing the record, we conclude that the district court properly held that Mohamed did not meet his burden of showing that he did not knowingly and voluntarily waive his right to appeal. Moreover, we conclude that the district court did not commit clear error in its credibility assessment and was entitled to credit Mohamed's statements during the plea colloquy and the testimony of Mohamed's former attorney over his contrary statements. *See United States v. Nostratis*, 321 F.3d 1206, 1210 (9th Cir. 2003); *see also Shah v. United States*, 878 F.2d 1156, 1162 (9th Cir. 1989) ("'[S]olemn declarations in open court carry a strong presumption of verity.'") (quoting *Blackledge v. Allison*, 431 U.S. 63, 74 (1977)).

Accordingly, we enforce Mohamed's waiver of his appellate rights and dismiss this appeal.

DISMISSED.