

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted February 17, 2026

Decided February 19, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-1567

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LUIS ANGEL RIOS,
Defendant-Appellant.

Appeal from the United States District
Court for the Western District of
Wisconsin.

No. 3:23CR00053-002

James D. Peterson,
Chief Judge.

ORDER

Luis Angel Rios pleaded guilty to drug offenses and was sentenced to 108 months' imprisonment and 5 years' supervised release. Despite a broad appeal waiver in his plea agreement, Rios appeals. His appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). The *Anders* brief, though barebones, is adequate for our review. *See United States v. Tabb*, 125 F.3d 583, 584 (7th Cir. 1997) (explaining that an *Anders* brief is adequate on its face if "it explains the nature of the case and intelligently discusses the issues that a

case of the sort might be expected to involve”). Rios did not respond to counsel’s motion to withdraw. *See* CIR. R. 51(b). We grant the motion and dismiss the appeal.

Federal agents arrested Rios after they saw him bring out a half kilogram of cocaine from his house and hand it to his nephew. A grand jury indicted him on one count of maintaining a drug-trafficking place and one count of attempting to distribute cocaine, *see* 21 U.S.C. §§ 841(a)(1), 846, 856(a)(1), as well as three counts of other drug- and gun-related crimes, *see* 18 U.S.C. § 922(g)(5)(A); 21 U.S.C. § 841(a)(1).

Rios agreed with the government to plead guilty to one count of maintaining a drug-trafficking place and one count of attempting to distribute cocaine. Rios also agreed to “waive[] all rights, including those conferred by 18 U.S.C. § 3742, to appeal his conviction and any sentence of imprisonment including any issues with respect to the calculation of the advisory sentencing guideline range or the reasonableness of the sentence imposed.” In exchange, the government agreed to drop the three other counts, to recommend that the court grant him the maximum available sentence reduction for acceptance of responsibility, and to advocate for a sentence on the low end of the guidelines range.

The district court held a change-of-plea hearing and placed Rios under oath before conducting a colloquy. Rios, a non-citizen and native Spanish speaker, had an interpreter present to translate. *See* FED. R. CRIM. P. 28. The court confirmed that Rios understood the charges and applicable penalties; his trial rights; the consequences of pleading guilty; the role of the Sentencing Guidelines; the effect of his appellate waiver; and potential immigration consequences. *See* FED. R. CRIM. P. 11(b)(1)(A)–(H), (L)–(O). Rios then heard and agreed to the factual basis and entered a plea of guilty. The court accepted his plea. At sentencing, the court overruled Rios’s objections and calculated a guidelines range of 168 to 210 months. The court sentenced Rios to 108 months’ imprisonment and 5 years’ supervised release.

Counsel first considers whether Rios could argue that his guilty plea was invalid but does not tell us whether Rios wishes to challenge his plea. As we have repeatedly explained, this is a mistake: “Counsel should not consider in an *Anders* brief any arguments about the validity of a guilty plea unless counsel has consulted with the client, advised the client of the risks of withdrawal of the plea, and confirmed that the client wishes to withdraw the plea.” *United States v. Larry*, 104 F.4th 1020, 1022 (7th Cir. 2024) (citing *United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2002) and *United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012)). Even still, we need not reject the *Anders* brief because the plea transcript shows that the district court substantially complied with Rule 11. *See id.* The court confirmed that Rios understood the nature of the charges against him, the possible penal and immigration consequences, and the trial and

appellate rights he was waiving by pleading guilty. *See* FED. R. CRIM. P. 11(b)(1)(A)–(H), (L)–(O).

We note one arguable omission from the plea colloquy, but its omission would be harmless. The judge did not inquire about any “force, threats, or promises” relating to the plea. *See* FED. R. CRIM. P. 11(b)(2). But the plea agreement itself confirms that “no threats, promises, representations, or other agreements” led Rios to plead guilty. That statement, without any contrary indications in the record, renders its omission from the colloquy harmless. *United States v. Cross*, 57 F.3d 588, 592 (7th Cir. 1995); *see also United States v. Adams*, 746 F.3d 734, 746–47 (7th Cir. 2014).

Counsel next considers whether Rios could challenge his sentence and correctly determines that the appeal waiver in his plea agreement precludes such a challenge. Because an appeal waiver “stands or falls” with the underlying plea, *United States v. Nulf*, 978 F.3d 504, 506 (7th Cir. 2020), and because Rios’s guilty plea was valid, his appellate waiver is enforceable. Additionally, no exception to the appeal waiver would apply because Rios’s sentence and term of supervised release do not exceed the applicable statutory maximums, and nothing in the record suggests that the court considered any constitutionally impermissible factors. *See id.*

We GRANT counsel’s motion to withdraw and DISMISS the appeal.