

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4004

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDWARD NICHOLAS LANZA,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:22-cr-00089-WO-1)

Submitted: July 20, 2023

Decided: July 25, 2023

Before NIEMEYER and THACKER, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Christopher R. Clifton, GRACE, TISDALE & CLIFTON, PA, Winston-Salem, North Carolina, for Appellant. Sandra J. Hairston, United States Attorney, Ashley E. Waid, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Nicholas Lanza pleaded guilty, pursuant to a written plea agreement, to wire fraud, in violation of 18 U.S.C. § 1343. The district court sentenced him to 34 months' imprisonment. On appeal, Lanza argues that the district court abused its discretion by ordering him to pay \$509,674.88 in restitution. The Government argues that Lanza waived this argument by stipulating to the restitution amount at sentencing.

We generally “review[] a district court’s restitution order for abuse of discretion.” *United States v. Stone*, 866 F.3d 219, 224 (4th Cir. 2017). However, as we have previously explained, “[a] party that raises an objection and then explicitly withdraws it waives that objection.” *United States v. Boyd*, 5 F.4th 550, 554 (4th Cir. 2021). Waived issues are “unreviewable.” *Stokes v. Stirling*, 64 F.4th 131, 141 (4th Cir. 2023). Our review of the record leads us to conclude that Lanza waived his challenge to the calculation of the restitution amount by stating at sentencing that he was withdrawing his objection to that calculation and stipulating that the district court’s restitution calculation was correct. *See Boyd*, 5 F.4th at 555 (“A party demonstrates clear abandonment of a previously raised argument when he explicitly withdraws his earlier objections, expressly approves of once-objected-to conditions, or has a more-than-speculative strategic reason to forego his prior opposition.” (citations omitted)).

We therefore affirm the criminal judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED