

NONPRECEDENTIAL DISPOSITION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 May 20, 2026

Decided May 20, 2026

*Before*THOMAS L. KIRSCH II, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*REBECCA TAIBLESON, *Circuit Judge*

No. 25-1329

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*JOHN GIEREK,
*Defendant-Appellant.*Appeal from the United States District
Court for the Northern District of
Indiana, Fort Wayne Division.

No. 1:24CR12-001

Holly A. Brady,
*Chief Judge.***ORDER**

John Gierek pleaded guilty to two counts of using interstate commerce facilities in the commission of murder-for-hire. He was sentenced to two terms of 110 months' imprisonment to be served consecutively, with two years' supervised release. Despite a broad appeal waiver in his plea agreement, Gierek filed a notice of appeal. His appointed counsel asserts that the appeal is frivolous and moves to withdraw under *Anders v. California*, 386 U.S. 738, 744 (1967). Counsel's brief explains the nature of the case and addresses potential issues that an appeal of this kind might involve. Because counsel's analysis appears thorough and Gierek did not respond to the motion,

see CIR. R. 51(b), we limit our review to the subjects identified in the brief. See *United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014). We grant the motion and dismiss the appeal.

In 2024 Gierek solicited another person to kidnap his soon-to-be ex-wife and her friend. He also directed the person to kill any family members present for the kidnapping, including his ex-wife's mother, grandmother, and minor son, as well as the friend's husband. In exchange, Gierek offered four "eight balls" (slang for an eighth of an ounce of cocaine) and forgave \$2000 in debt. After the person informed state police and the FBI, Gierek was arrested and indicted under 18 U.S.C. § 1958(a) on four counts of using interstate commerce facilities in the commission of murder-for-hire.

Gierek agreed with the government to plead guilty to two of the four counts. In the plea agreement, Gierek waived his right "to appeal or to contest my conviction and all components of my sentence" on any ground other than ineffective assistance of counsel. In return, the government agreed to dismiss the remaining two counts and recommend that Gierek receive the maximum available sentence reduction for acceptance of responsibility. Gierek was later sentenced to a total of 220 months' imprisonment—110 months for each count—with two years' supervised release.

Counsel tells us that Gierek wishes to challenge his guilty plea, but we agree with counsel that any such challenge would be frivolous. The transcript of the plea colloquy shows that the district court substantially complied with the requirements of Rule 11 of the Federal Rules of Criminal Procedure and ensured that the plea was voluntary and knowing. See *United States v. Davenport*, 719 F.3d 616, 618 (7th Cir. 2013). Under oath, Gierek confirmed that he understood the charge against him, the penalties he faced (up to ten years' imprisonment on each count, up to three years' supervised release, and possible fines and restitution), and the trial and appellate rights he was waiving by pleading guilty. See FED. R. CRIM. P. 11(b)(1), (2).

Counsel next considers whether Gierek could challenge his sentence and correctly determines that any challenge would be precluded by the appeal waiver in his plea agreement. An appeal waiver "stands or falls" with the underlying plea. *United States v. Nulf*, 978 F.3d 504, 506 (7th Cir. 2020). Because Gierek's guilty plea was valid, the appeal waiver is enforceable. Additionally, no exception to the appeal waiver could apply because neither Gierek's prison sentence nor his term of supervised release exceeds the statutory maximums, and nothing in the record suggests that the district court considered any constitutionally impermissible factors. See *id.* And although Gierek's appeal waiver permits him to bring a claim of ineffective assistance of counsel,

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such claims are best saved for collateral review, at which stage the record can be more fully developed. *See United States v. Cates*, 950 F.3d 453, 457 (7th Cir. 2020) (citing *Massaro v. United States*, 538 U.S. 500, 504–05 (2003)).

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