

January 19, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60009  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADRIAN WHAVERS, also known as Little Grass,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:03-CR-90-2  
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Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Adrian Whavers appeals the sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute more than five kilograms of cocaine hydrochloride and more than 50 grams of cocaine base. Whavers argues, in reliance on United States v. Booker, 125 S. Ct. 738 (2005), that his sentence violates the Sixth Amendment. The instant appeal is barred, however, by the plain language of Whavers's knowing and voluntary appeal waiver in the plea agreement. See United States

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

v. Bond, 414 F.3d 542, 545-46 (5th Cir. 2005); United States v. McKinney, 406 F.3d 744, 746-47 (5th Cir. 2005). The Government's motion to dismiss is GRANTED and this appeal is DISMISSED.

MOTION TO DISMISS GRANTED; APPEAL DISMISSED.