

April 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-51055
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MAJOR DOYAL BURSEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A:03-CR-127-ALL-H

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Major Doyal Bursey appeals his guilty-plea conviction for possession with intent to distribute cocaine base. He argues that the district court erred in denying his motion to dismiss the indictment for violation of the Speedy Trial Act. The Government contends that Bursey waived the Speedy Trial Act issue by entering an unconditional guilty plea.

In this circuit, "a speedy trial violation is a non-jurisdictional defect waived by a guilty plea." United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Bell, 966 F.2d 914, 915 (5th Cir. 1992). By entering an unconditional guilty plea, Bursey has waived his right to appeal the district court's denial of his motion to dismiss the indictment for violation of the Speedy Trial Act, and this court may not consider the merits of his appeal. See id. at 916-17.

AFFIRMED.