

June 6, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41385
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT DWAYNE WALKER,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:04-CR-22-ALL

Before JONES, Chief Judge, and SMITH and DENNIS, Circuit Judges.

PER CURIAM:*

Robert Dwayne Walker appeals the sentence imposed following his guilty-plea conviction for possession with intent to distribute five or more grams of cocaine base in violation of 21 U.S.C. § 841(a)(1). Walker argues that the district court erred in increasing his offense level under U.S.S.G. § 2D1.1(b)(1) and that the enhancement violated the Supreme Court's ruling in United States v. Booker, 543 U.S. 220 (2005). However, Walker knowingly and voluntarily waived his appellate rights, the Government seeks

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to enforce the waiver, Walker's sentencing claim does not fall within any of the exceptions to the appeal waiver, and the plain language of the waiver bars this appeal. See United States v. Story, 439 F.3d 226, 230-31 (5th Cir. 2006); United States v. Bond, 414 F.3d 542, 546 (5th Cir. 2005); United States v. McKinney, 406 F.3d 744, 746 (5th Cir. 2005).

AFFIRMED.