

FILED

August 7, 2007

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-41488
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

GILBERT ROSALES, JR

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:05-CR-346-6

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Gilbert Rosales, Jr. appeals his sentence because of the court's finding that he played a major role in the conspiracy and consequent enhancement of his offense level. But Rosales agreed to his guilt and waived the right to appeal unless the sentence imposed exceeded the statutory maximum or upwardly departed from the guidelines. He makes no claim attacking his agreement and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his sentence does not fall within the exception to his appeal waiver. The Government urges enforcement of the waiver, and that must be the judgment.

AFFIRMED.