

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2007

No. 07-10235
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROBERT LEE CHAVEZ

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:06-CR-71-1

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:*

Robert Lee Chavez appeals the sentence imposed by the district court following his guilty-plea conviction for possession with the intent to distribute methamphetamine and aiding and abetting. Chavez argues that the district court plainly erred by assessing him a "career offender" enhancement based on his two prior Texas convictions for controlled-substance offenses.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Government has filed a motion for summary affirmance based on the waiver-of-appeal provision in Chavez's plea agreement. The Government asserts that Chavez knowingly and voluntarily waived his appellate rights on this issue.

Our review of the record shows that Chavez's appeal waiver was knowing and voluntary and that, under the plain language of the plea agreement, the waiver applies to the circumstances at hand. See *United States v. Burns*, 433 F.3d 442, 445-46 (5th Cir. 2005); *United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005). Accordingly, Chavez's appeal waiver bars review of the issue he seeks to raise on appeal.

The judgment of the district court is **AFFIRMED**, the Government's motion for summary affirmance is **GRANTED**, and the Government's motion for an extension of time is **DENIED**.