

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-4329  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRANDON HENDERSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:91CR115-1  
- - - - -

March 17, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Brandon Henderson (Henderson) was convicted by guilty plea of failure to appear under 18 U.S.C. § 3146(a)(1). In the plea agreement, he waived "his right to appeal his conviction and sentence."

Henderson contends that the district court erred by not granting him a reduction in offense level for the acceptance of responsibility. Henderson's contentions are irrelevant because his appeal is not properly before this Court.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

A defendant may waive his statutory right to appeal as part of the plea-bargaining process. United States v. Melancon, 972 F.2d 566, 567 (1992). Henderson does not dispute the validity of the plea agreement. Because his waiver of the right to appeal is valid under Melancon, this appeal is DISMISSED. Melancon, 972 F.2d at 567.