

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10913
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROSENDO MORENO LOPEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:95-CR-006-X(2)

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

This case is here before us on the Government's motion to dismiss Lopez' appeal based on a waiver-of-appeal provision in Lopez' plea agreement. Appellant Lopez has also filed a motion to remand this case to the district court to determine whether he knowingly and voluntarily waived his right to appeal.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Our review of the record shows that Lopez knowingly and voluntarily waived his right to appeal the sentence imposed by the district court. United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992); United States v. Portillo, 18 F.3d 290, 293 (5th Cir.), cert. denied, 115 S. Ct. 244 (1994). The Government's motion to dismiss is GRANTED, Lopez' motion to remand is DENIED, and this APPEAL IS DISMISSED.