

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40172
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL V. NEFF,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-94-CR-13-1

- - - - -
December 19, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Michael V. Neff challenges the district court's restitution order in the amount of \$140,000. Inasmuch as Neff does not challenge the terms of his plea agreement regarding the waiver of appeal, and because Neff's sentence was neither above the statutory maximum nor the result of an upward departure by the court, the appeal is DISMISSED.

* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.