

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11216
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CURTIS RAY DUPREE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:95-CR-167-1
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Curtis Ray Dupree appeals his guilty-plea convictions for aiding and abetting and bank robbery on the ground that the district court erred in finding that his prior criminal convictions were not "related" under the Sentencing Guidelines. The guilty plea Dupree entered into with the Government contained a waiver-of-appeal provision whereby Dupree waived his right to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

appeal his sentence except as to an upward departure. We have reviewed the briefs and the record and conclude that the waiver was informed and voluntary and is therefore binding on Dupree. See United States v. Melancon, 972 F.3d 566, 568 (5th Cir. 1992). His appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.