

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20011
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANNY WAYNE BELL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CR-266-1
- - - - -
February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Danny Wayne Bell seeks to appeal his sentence of 46 months' imprisonment after pleading guilty to being a felon in possession of a firearm. Bell waived his right to appeal his sentence in his plea agreement, except in limited circumstances. See United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992). Such circumstances are not implicated by the current appeal. Bell's reliance on United States v. Goodman, 165 F.3d 169 (2nd Cir.), cert. denied, 120 S. Ct. 318 (1999) is unavailing because Goodman is not controlling and is distinguishable.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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The appeal is thus DISMISSED.

APPEAL DISMISSED.