

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-60812
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 21, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SHAWNTAE MAURICE FAIRLEY,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:16-CR-98-8

Before DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Shawntae Maurice Fairley appeals the 360-month prison sentence imposed following his conviction of one count of possession of methamphetamine with intent to distribute. He challenges the district court's relevant conduct determination and its conclusion that the drugs underlying the offense were imported. He also argues that his sentence is substantively unreasonable because it is substantially greater than that of a similarly

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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situated codefendant. Relying on the appellate waiver in the plea agreement, the Government seeks the dismissal of the appeal or, alternately, summary affirmance. Fairley does not challenge the voluntariness of the waiver provision. Instead, he argues that a miscarriage of justice will occur if the waiver is enforced.

Our review of the record shows that Fairley's appeal waiver was knowing and voluntary and that, under the plain language of the plea agreement, the waiver applies to his claims. *See United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). We decline to adopt the miscarriage of justice exception to appellate waivers. The Government's motion to dismiss the appeal is GRANTED, and the appeal is DISMISSED. The Government's alternate motion for summary affirmance is DENIED.