

DEC 29 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VANESSA ROSE GONZALES,

Defendant - Appellant.

No. 09-50396

D.C. No. 8:08-cr-00285-JVS-3

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted December 14, 2010 **
San Francisco, California

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Vanessa Rose Gonzales appeals the sentence imposed following her guilty plea to conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Gonzales contends that the district court erred in finding that she was ineligible for safety valve consideration.

As part of her plea agreement, Gonzales waived her right to appeal the sentence imposed by the court, and she has failed to show that the waiver is invalid. *See United States v. Bibler*, 495 F.3d 621, 624 (9th Cir. 2007) (“insofar as the district court sentenced appellant to a term of years beneath the maximum allowed by statute, the sentence is not “illegal” and cannot excuse the waiver of appeal”). We therefore enforce the waiver and dismiss the appeal.

DISMISSED.