

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-14087
Non-Argument Calendar

D.C. Docket No. 1:19-cr-00153-ELR-JKL-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS VILLANUEVA-RIOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(April 21, 2021)

Before MARTIN, ROSENBAUM, and BRANCH, Circuit Judges.

PER CURIAM:

Luis Villaneuva-Rios appeals his sentence of 121 months' imprisonment for two counts related to conspiring to distribute cocaine and heroin. Villanueva-Rios argues the district court abused its discretion by not sentencing him to his

requested term of 120 months' imprisonment. The government moved to dismiss the appeal, arguing his plea agreement contained an applicable appeal waiver.

Villanueva-Rios did not file a response.

We review de novo the validity of a sentence appeal waiver. United States v. Johnson, 541 F.3d 1064, 1066 (11th Cir. 2008). The record confirms that Villanueva-Rios's appeal waiver was knowingly and voluntarily entered, that it applies to this appeal, and that this appeal does not fall under any of the exceptions to the waiver.

Therefore, the government's motion to dismiss the appeal pursuant to the appeal waiver in Villanueva-Rios's plea agreement is GRANTED. See United States v. Bushert, 997 F.2d 1343, 1350–51 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily).

APPEAL DISMISSED.