

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-4314**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC MIGUEL RIVERS,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Dever III, Chief District Judge. (7:09-cr-00027-D-1)

---

Submitted: January 31, 2014

Decided: February 27, 2014

---

Before KEENAN, DIAZ, and THACKER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Thomas P. McNamara, Federal Public Defender, Eric J. Brignac, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Miguel Rivers seeks to appeal the district court's order granting in part the Government's Fed. R. Crim. P. 35(b) motion for reduction of sentence. Rivers argues that the district court failed to exercise its discretion in a meaningful way when it refused to reduce Rivers' sentence to the extent requested by the United States, despite Rivers' purported exceptional assistance to the Government. The Government has moved to dismiss the appeal as barred by Rivers' waiver of the right to appeal included in his plea agreement.

Our review of the record leads us to conclude that Rivers knowingly and voluntarily waived his right to appeal his sentence. See United States v. Blick, 408 F.3d 162, 168-69 (4th Cir. 2005). The issue raised by Rivers falls within the scope of that waiver. See United States v. Thornsbury, 670 F.3d 532, 537 (4th Cir.), cert. denied, 133 S. Ct. 196 (2012). Accordingly, because Rivers knowingly and voluntarily entered into the waiver and the Government now seeks to enforce it, we grant the motion to dismiss. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED