

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2008

No. 07-40263

Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ARNOLDO GERMAN

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:06-CR-814-1

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Arnoldo German appeals from his guilty plea conviction for possession with intent to distribute a quantity exceeding five kilograms of cocaine. He argues on appeal that (1) the appeal-waiver provision in his written plea agreement was invalid and (2) the imposed sentence was unreasonable. The Government seeks enforcement of the appeal-waiver provision.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court reviews de novo whether a waiver provision bars an appeal. *United States v. Baymon*, 312 F.3d 725, 727 (5th Cir. 2002). The record shows that German was aware of his right to appeal and that he was waiving that right by pleading guilty pursuant to his written plea agreement. Moreover, the district court complied with the requirements of Federal Rule of Criminal Procedure 11(b)(1)(N). Accordingly, his plea agreement was valid and will be enforced. See *United States v. McKinney*, 406 F.3d 744, 746 n.2, 747 (5th Cir. 2005). German's remaining argument is barred by the appeal-waiver provision.

Accordingly, the district court's judgment is **AFFIRMED**.