

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

United States Court of Appeals
Fifth Circuit

FILED

November 23, 2009

Charles R. Fulbruge III
Clerk

No. 08-40908

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GILBERTO ALEJANDRO MALDONADO-REYES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 5:08-CR-20-1

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Gilberto Maldonado-Reyes pleaded guilty to possession with intent to distribute a quantity in excess of 500 grams of cocaine. On appeal, he challenges

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his sentence and his counsel's effectiveness with regard to his sentence. The government argues that he waived his right to appeal.

We review the validity of an appeal waiver *de novo*. *United States v. Burns*, 433 F.3d 442, 445 (5th Cir. 2005). Our review of the record shows that Maldonado-Reyes's waiver of appeal was knowing and voluntary, *see United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005), and is therefore valid, so we decline to consider the merits of his claims. The appeal is DISMISSED.