

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 9, 2021

Lyle W. Cayce
Clerk

No. 20-20023
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

IGNACIO ANDRADE-LOPEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CR-578-1

Before OWEN, *Chief Judge*, and HAYNES and COSTA, *Circuit Judges*.

PER CURIAM:*

Ignacio Andrade-Lopez previously appealed the 262-month prison sentence he received upon pleading guilty to conspiracy to possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine. On appeal, we affirmed Andrade-Lopez's conviction

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-20023

but, pursuant to the concurrent sentence doctrine, vacated the 262-month sentence and remanded with instructions to the district court. *See United States v. Andrade-Lopez*, 772 F. App'x 179, 181 (5th Cir. 2019). Andrade-Lopez now appeals from the proceedings on remand, arguing that the district court plainly erred in complying with our mandate. The Government seeks enforcement of the appeal waiver provision in Andrade-Lopez's plea agreement.

We review de novo whether the appeal waiver bars Andrade-Lopez's appeal. *See United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). The record reflects that Andrade-Lopez's waiver of his appeal rights was knowing and voluntary. *See United States v. McKinney*, 406 F.3d 744, 746 & n.2 (5th Cir. 2005). Furthermore, the waiver applies to the circumstances at issue in this case, and the sole exceptions to the waiver are inapplicable to the claims Andrade-Lopez raises on appeal. *See United States v. Bond*, 414 F.3d 542, 544-45 (5th Cir. 2002). Finally, it is of no moment that Andrade-Lopez's appeal was filed after remand. *See United States v. Capaldi*, 134 F.3d 307, 308 (5th Cir. 1998).

* * *

Accordingly, Andrade-Lopez's appeal is DISMISSED.