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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ALFONSO CERVANTES REYES,</p> <p>Defendant - Appellant.</p>

No. 10-10369

D.C. No. 5:05-cr-00516-JF

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeremy D. Fogel, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Alfonso Cervantes Reyes appeals pro se his guilty-plea conviction for conspiracy to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A)(viii). We have jurisdiction under 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

§ 1291, and we dismiss.

Reyes contends that the district court erred by declining to rule on the merits of his motion to withdraw his guilty plea. Reyes' knowing and voluntary waiver of his right to appeal precludes our consideration of this issue. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011).

DISMISSED.