

APR 16 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANDRES MARCOS TREJO,

Defendant - Appellant.

No. 12-30163

D.C. No. 1:11-CR-00262-EJL-1

MEMORANDUM*

Appeal from the United States District Court
for the district of Idaho, Boise
Edward J. Lodge, District Judge, Presiding

Submitted April 9, 2013**
Seattle, Washington

Before: D.W. NELSON, TASHIMA and CALLAHAN, Circuit Judges.

Trejo appeals his 46-month sentence for one count of distribution of methamphetamine. This appeal does not fall within an exception to the appellate

* 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).

wavier contained in Trejo's guilty plea. Moreover, the government did not breach the plea agreement. Accordingly, we dismiss this appeal.

DISMISSED.