

MAR 13 2015

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NOT FOR PUBLICATION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.

MANUEL AGUILAR-GODINEZ, AKA
Guillermo Govea-Pena, AKA Guillermo
Guvea,

Defendant - Appellant.

No. 13-10519

D.C. No. 2:08-cr-00570-GEB-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., Senior District Judge, Presiding

Submitted March 11, 2015**
San Francisco California

Before: McKEOWN, MURGUIA, and FRIEDLAND, Circuit Judges.

Manuel Aguilar-Godinez pled guilty to one count of conspiracy to possess a
chemical to manufacture methamphetamine, in violation of 21 U.S.C. §§ 846 and

* 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).

841(c)(2). The district court applied two sentencing enhancements that Aguilar-Godinez now challenges on appeal.

We have jurisdiction under 28 U.S.C. § 1291, and we dismiss the appeal. As part of his plea agreement, Aguilar-Godinez waived the “right to appeal any aspect of the sentence imposed in this case.” Aguilar-Godinez entered into the plea deal knowingly and voluntarily and stated that he understood the terms. *United States v. Joyce*, 357 F.3d 921, 922 (9th Cir. 2004) (“A defendant’s waiver of his appellate rights is enforceable if the language of the waiver encompasses his right to appeal on the grounds raised, and if the waiver was knowingly and voluntarily made.”).

Aguilar-Godinez argues that the sentencing enhancements nevertheless must be vacated, because the district court violated Fed. R. Crim. P. 11(b)(1) by failing to address the defendant personally regarding the plea terms. Applying plain-error review, we disagree. *See United States v. Ma*, 290 F.3d 1002, 1005 (9th Cir. 2002). The district court asked the prosecutor to summarize the terms of the plea agreement—including the waiver of appeal rights—and personally addressed Aguilar-Godinez to confirm that he understood those terms. *Id.*

APPEAL DISMISSED.