

DEC 20 2016

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NOT FOR PUBLICATION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.

STEVEN METHENY,

Defendant-Appellant.

No. 15-30189

D.C. No. 1:13-cr-00053-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, WARDLAW, and FISHER, Circuit Judges.

Steven Metheny appeals from the district court's judgment and challenges the 151-month sentence imposed following his guilty-plea conviction for conspiracy to commit mail and wire fraud, in violation of 18 U.S.C. §§ 1341, 1343,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

and 1349; and making a false statement, in violation of 18 U.S.C. § 1001. We dismiss.

The government contends that this appeal is barred by the appeal waiver contained in the parties' plea agreement. Metheny argues that the waiver is unenforceable because the government breached the plea agreement by advocating for an aggravating role adjustment under U.S.S.G. § 3B1.1(c). Reviewing de novo, *see United States v. Bibler*, 495 F.3d 621, 623 (9th Cir. 2007), we dismiss. The plea agreement was silent regarding role enhancement and contained an integration clause expressly disclaiming any promises not set forth in the agreement. Accordingly, we conclude that the government did not breach the plea agreement and that the appeal waiver bars Metheny's appeal.

DISMISSED.