

April 17, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-10689  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAUL MARK BURTON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:06-CR-5-ALL  
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Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:\*

Paul Mark Burton appeals the imposition of a life term of supervised release following his guilty plea to possession of child pornography. The Government argues that his appeal is barred by his knowing and voluntary appeal waiver.

A defendant may waive his statutory right to appeal as part of a valid plea agreement if the waiver is knowing and voluntary.

United States v. Robinson, 187 F.3d 516, 517 (5th Cir. 1999);

United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992).

The record indicates that the district court complied with FED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

R. CRIM. P. 11(b)(1)(N) and that Burton read and understood the plea agreement. Therefore, the waiver was knowing and voluntary. See United States v. McKinney, 406 F.3d 744, 746 (5th Cir. 2005). The waiver applies to the sentencing claim at issue under the plain language of the plea agreement. See United States v. Bond, 414 F.3d 542, 544 (5th Cir. 2005). The waiver is therefore enforceable, and Burton has waived the instant appeal. See id.

AFFIRMED.