

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50359
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ABU CEESAY,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-91-CR-298-ALL

April 24, 2002

Before DUHÉ, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:¹

Abu Ceesay appeals his guilty-plea conviction for making false tax returns, in violation of 26 U.S.C. § 7206(2). He avers that the court erred in denying his request for the appointment of an investigator at Government expense and erred in increasing his offense level by two for his obstruction of justice.

We have reviewed the record and the briefs on appeal and conclude that the district court, relying on the information

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

available to it at the time, did not abuse its discretion in denying Ceesay's motion for investigative assistance, and we AFFIRM the denial. United States v. Gadison, 8 F.3d 186, 191 (5th Cir. 1993).

Pursuant to a written plea agreement, Ceesay waived the right to appeal his sentence, except in limited circumstances not implicated in the instant case. Ceesay does not challenge the validity of the waiver provision, and we are satisfied that the waiver of appeal was voluntarily, knowingly, and intelligently made. Therefore, Ceesay's challenge to the obstruction-of-justice enhancement is precluded from review. This portion of the appeal is DISMISSED. See United States v. Gaitan, 171 F.3d 222, 222-23 (5th Cir. 1999).

AFFIRMED IN PART; DISMISSED IN PART.