

January 23, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50397
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JERRY LEWIS DEDRICK,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-02-CR-113-2

Before HIGGINBOTHAM, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:*

Jerry Lewis Dedrnick pleaded guilty to aiding and abetting possession with intent to distribute cocaine base of 50 grams or more. Although he argues that the application of the career criminal provision of U.S.S.G. § 4B1.1 violated the terms of his plea agreement with the government, the district court's ruling that the plea bargain precluded only government motions for enhancements is not clearly erroneous. See United States v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Gibson, 48 F.3d 876, 878 (5th Cir. 1995). Furthermore, Dedrick's argument that the district court erred in calculating the relevant amount of cocaine base is barred by his waiver of the right to direct appeal. See United States v. Baymon, 312 F.3d 725, 729-30 (5th Cir. 2002). Accordingly, we DISMISS the appeal as to Dedrick's sentencing issue and AFFIRM his conviction.

AFFIRMED IN PART, DISMISSED IN PART.