

April 9, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60942
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL EASLEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
No. 2:03-CR-4-ALL-P

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Daniel Easley appeals his sentence following his guilty plea conviction of conspiracy to possess with intent to distribute more than 100 kilograms of marihuana. He argues that the district court erred in finding that he possessed a firearm during the offense for purposes of U.S.S.G. § 2D1.1(b)(1) and erred in concluding that he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

was ineligible for the "safety valve" reduction of U.S.S.G. § 5C1.2.

As part of his written plea agreement, Easley agreed to waive the right to appeal his conviction and sentence. The district court personally addressed Easley and admonished him regarding his waiver; Easley stated that he understood the waiver. Thus, he knowingly and voluntarily waived the right to appeal his sentence. See United States v. Robinson, 187 F.3d 516, 517-18 (5th Cir. 1999). Accordingly, this appeal is DISMISSED as waived.