

November 9, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-11400
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK EUGENE NASH,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:04-CR-29-ALL-C

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Patrick Eugene Nash appeals following his guilty plea to possession with intent to distribute less than five grams of cocaine base. Nash argues that his sentence violates United States v. Booker, 125 S. Ct. 738 (2005), and Blakely v. Washington, 124 S. Ct. 2531 (2004). The instant appeal is barred, however, by the plain language of Nash's knowing and voluntary appeal waiver in the plea agreement. See United States v. Bond, 414 F.3d 542, 545-46 (5th Cir. 2005); United States v. McKinney, 406 F.3d 744, 746-47 (5th Cir. 2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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APPEAL DISMISSED.