

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50702  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PETER DAVID WAGNER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-95-CR-131-ALL  
- - - - -

April 16, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Peter David Wagner filed a notice of appeal from his sentence in a guilty-plea conviction for mail fraud. We have reviewed Wagner's brief and the record and conclude that Wagner's waiver of his right to appeal as part of the plea agreement was knowing and voluntary. See United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992). A claim that is waived is "entirely unreviewable, unlike

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

forfeited errors, which are reviewable for plain error." See  
United States v. Musquiz, 45 F.3d 927, 931 (5th Cir.), cert.  
denied, 116 S. Ct. 54 (1995). Accordingly, the appeal is  
DISMISSED. Wagner's motion to strike counsel's brief and to file  
a pro se brief is DENIED.

APPEAL DISMISSED. MOTION DENIED.