

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10818
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME ROMAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:02-CR-3-24

February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jaime Roman appeals his guilty plea conviction for conspiracy to commit money laundering and aiding and abetting. Roman contends that the district court erred by ordering that his sentence be served consecutively with an undischarged federal sentence he was then serving under a judgment in Case No. 98-CR-02395-001E, in the United States District Court for the Southern District of California. The Government contends that Roman

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

waived in his plea agreement the right to raise this issue on appeal.

The issue Roman wishes to appeal does not fit within any of the categories of appealable issues reserved by Roman in the plea agreement. Roman has not challenged the validity of this waiver, and the record reveals that he knowingly and voluntarily agreed to this provision. See United States v. Portillo, 18 F.3d 290, 292 (5th Cir. 1994). Because this appeal is in contravention of the waiver-of-appeal provision, it is dismissed. See United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992).

APPEAL DISMISSED AS FRIVOLOUS.