

July 7, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-51080
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISMAEL NAVARRETTE,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. P-03-CR-56-ALL

Before WIENER, DeMOSS, and PICKERING, Circuit Judges.

PER CURIAM:*

Ismael Navarrette appeals from his sentence for abusive sexual conduct in violation of 18 U.S.C. § 2244(a)(2).

Navarrette argues that he may challenge his sentence despite his waiver of his right to appeal.

This court reviews de novo whether a waiver of appeal bars an appeal. United States v. Baymon, 312 F.3d 725, 727 (5th Cir. 2002). Navarrette knowingly and voluntarily waived his right to appeal his sentence. See United States v. Portillo, 18 F.3d 290,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

292-93 (5th Cir. 1994). Navarrette's waiver of appeal is enforceable and bars the present appeal.

APPEAL DISMISSED.