

August 19, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41064
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT RAY SANDLIN,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:04-CR-49-ALL-PNB

Before SMITH, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Robert Ray Sandlin appeals following his guilty plea to possession of sexually explicit visual depictions of a minor, in violation of 18 U.S.C. § 2252(a)(4)(B), and importation or transportation of obscene matters, in violation of 18 U.S.C. § 1462. Sandlin argues that his sentence violates United States v. Booker, 125 S. Ct. 738 (2005), and Blakely v. Washington, 124 S. Ct. 2531 (2004).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sandlin pleaded guilty pursuant to a written plea agreement that contained a waiver of the right to appeal. We may examine Sandlin's plea agreement sua sponte to determine whether we may hear his claims. United States v. Martinez, 263 F.3d 436, 438 (5th Cir. 2001). We conclude that the appeal is barred by the plain language of Sandlin's knowing and voluntary appeal waiver in the plea agreement. See United States v. Bond, __ F.3d __, No. 04-41125, 2005 WL 1459641, at *3-4 (5th Cir. June 21, 2005); United States v. McKinney, 406 F.3d 744, 746-47 (5th Cir. 2005).

Sandlin has also filed various motions to relieve the Federal Public Defender, for the appointment of new counsel on appeal, for expedited ruling on his motions and to proceed pro se. These motions are DENIED.

APPEAL DISMISSED. ALL OUTSTANDING MOTIONS DENIED.