

March 23, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-41629
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TRENTON GLENN SHEPHERD,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:04-CR-58-ALL

Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:*

Trenton Glenn Shepherd appeals his sentence following his guilty plea conviction for possession of a firearm while addicted to or unlawfully using a controlled substance. Shepherd argues that his sentence was improper under United States v. Booker, 543 U.S. 220 (2005). However, Shepherd knowingly and voluntarily waived his appellate rights, the Government has invoked the waiver, and the plain language of the waiver bars this appeal. See United States v. Story, ___ F.3d ___, No. 04-41323, 2006 WL 242552 at *3-*4 (5th Cir. Feb. 2, 2006); United States v. Bond, 414 F.3d 542, 546 (5th Cir. 2005); United States v. McKinney,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

406 F.3d 744, 746 (5th Cir. 2005). Shepherd's argument that the waiver does not bind him because it was perfected prior to the release of Booker is unavailing. See United States v. Burns, 433 F.3d 442, 450-51 (5th Cir. 2005). Consequently, Shepherd's appeal is DISMISSED.