

December 12, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41532
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEONARDO ALVARADO-BLANCO,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:04-CR-141-2

Before KING, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Leonardo Alvarado-Blanco appeals his guilty-plea conviction and 210-month sentence for conspiracy to manufacture, distribute, or possess with intent to distribute more than 500 grams of a mixture containing methamphetamine. His plea agreement included a waiver of appeal provision, with an exception for, among other things, a claim of ineffective assistance of counsel that affects the validity of the waiver itself. The record reflects that the district court admonished Alvarado-Blanco at the plea hearing regarding the appeal waiver and that he stated that he understood

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the waiver. See United States v. McKinney, 406 F.3d 744, 746 (5th Cir. 2005).

Alvarado-Blanco argued in his opening brief that his appointed trial counsel was ineffective during plea negotiations such that the appeal waiver was invalid. However, he concedes in his reply brief that this argument was premised on a misreading of the plea agreement. For the first time in his reply brief, Alvarado-Blanco criticizes retained counsel's performance at sentencing. Alvarado-Blanco explicitly stated in his opening brief that counsel's performance at sentencing was irrelevant to his appeal. This court will not reach arguments raised for the first time in a reply brief. United States v. Prince, 868 F.2d 1379, 1386 (5th Cir. 1989).

Accordingly, Alvarado-Blanco's conviction and sentence are AFFIRMED.