

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

September 8, 2008

\_\_\_\_\_  
No. 05-60334  
Summary Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RAYMOND BENTLEY

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 1:04-CR-2-3  
\_\_\_\_\_

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Raymond Bentley appeals the 135-month guidelines sentence that he received after he pleaded guilty to conspiracy to distribute crack cocaine. Bentley asserts that he did not validly waive his right to appeal. Although the Government initially indicated its intent to enforce the appeal waiver, it now acknowledges that it agreed to strike the waiver provision in the district court. Consequently, there is no appeal waiver to enforce. Bentley, however, has failed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to brief adequately any challenge to the validity of the sentence.<sup>1</sup> See FED. R. APP. P. 28(a)(9)(A); *Edmond v. Collins*, 8 F.3d 290, 292 n.5 (5th Cir. 1993). Accordingly, we AFFIRM the judgment of the district court.

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<sup>1</sup> Nothing in our decision prevents Bentley from filing a motion for a reduced sentence with the District Court pursuant to 18 U.S.C. § 3582(c).