

April 17, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20022
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER JEROME JOHNSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:03-CR-330-1

Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

Christopher Jerome Johnson was convicted of one charge of possession of five or more grams of cocaine base with intent to distribute and sentenced to serve 120 months in prison. Johnson appeals his sentence. He argues that the appellate waiver clause in his plea agreement is invalid because it is too broad and that his sentence is improper under United States v. Booker, 543 U.S. 220 (2005). The Government contends that the waiver clause is valid and should be enforced.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 record reflects that Johnson knowingly and voluntarily waived his appellate rights. See United States v. Melancon, 972 F.2d 566, 567-68 (5th Cir. 1992). Consideration of Johnson's Booker claim is barred by the plain language of the waiver. See United States v. Bond, 414 F.3d 542, 544 (5th Cir. 2005). Accordingly, we do not consider the merits of Johnson's sentencing challenge, and the judgment of the district court is AFFIRMED.