

June 19, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-41416
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHANNA ALEXANDER,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:06-CR-230-2

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Shanna Alexander appeals the sentence imposed following her guilty-plea conviction of aiding and abetting the possession with intent to distribute methamphetamine. She argues that the district court erred by failing to adjust her offense level for her role in the offense. She argues that her appeal is not barred by the appeal waiver provision in her plea agreement because the district court made a statement suggesting that she was not waiving her argument for an adjustment for her role in the offense. The Government seeks to enforce the waiver.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We conclude that Alexander was adequately informed of the terms of the waiver provision and that she indicated her knowledge and understanding of the plea agreement. See United States v. McKinney, 406 F.3d 744, 746 (5th Cir. 2005). The district court's statement at sentencing--a statement Alexander would have us read out of context--had no effect on the validity of the waiver provision. See United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992). Accordingly, we enforce the waiver and affirm the district court's judgment.

AFFIRMED.