

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 13, 2007

Charles R. Fulbruge III
Clerk

No. 07-50042
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DANIEL PAUL LOPEZ

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:06-CR-1070-2

Before JONES, Chief Judge, and HIGGINBOTHAM and CLEMENT, Circuit
Judges

PER CURIAM:*

Daniel Paul Lopez appeals his guilty-plea conviction and sentence for conspiracy to import five hundred or more grams of cocaine into the United States, in violation of 21 U.S.C. §§ 963, 952(a), 960(a)(1), and 960(b)(2).

Lopez argues that the Government breached the plea agreement in his case by advocating that he be held accountable for a drug quantity higher than that stipulated to in the factual resume which formed the basis for the guilty

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

plea. Lopez has neither shown that his interpretation of the plea agreement was reasonable nor met his burden of establishing a breach of the plea agreement; thus he has not shown plain error with respect to this claim. See *United States v. Reeves*, 255 F.3d 208, 210 (5th Cir. 2001).

The judgment of the district court is **AFFIRMED**.