

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2013

Lyle W. Cayce
Clerk

No. 12-20700
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDWARD JORODGE GLADNEY,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-735-1

Before STEWART, Chief Judge, and SMITH and DENNIS, Circuit Judges.

PER CURIAM:*

Edward Jorodge Gladney seeks to appeal the 60-year sentence imposed after he pleaded guilty to four counts of producing child pornography and one count of advertising child pornography. In his plea agreement he waived his right to appeal, but he argues that the waiver is invalid because he was not sufficiently advised of the breadth and effect of the waiver.

The district court accurately explained the terms and consequences of the waiver in accordance with Federal Rule of Criminal Procedure 11(b)(1)(N), and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Gladney stated on the record, under oath, in open court that he understood the waiver. His contention now that he did not really understand the waiver does not invalidate it. *See United States v. Jacobs*, 635 F.3d 778, 781 (5th Cir. 2011). Gladney’s challenge to the court’s fully adequate explanation of the waiver is frivolous because it involves no “legal points arguable on their merits” and fails to make any colorable showing of error, plain or otherwise. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); *see* 5TH CIR. RULE 42.2 (providing that an appeal “will be dismissed” if it “is frivolous and entirely without merit”).

Because the waiver is valid, we do not consider Gladney’s challenge to the substantive reasonableness of his sentence. *See Jacobs*, 635 F.3d at 783. The appeal is DISMISSED.