

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

No. 13-50473
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 2, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR EDGARDO-GUILLEN, also known as Cabo, also known as Jose Francisco Castillo, also known as Jose Francisco Castellon,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:10-CR-320

Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Oscar Edgardo-Guillen appeals the sentence imposed following his guilty plea to conspiracy to possess with intent to distribute 500 grams or more of cocaine. He was sentenced to 188 months of imprisonment and four years of supervised release. He contends that the district court erroneously calculated

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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the guidelines range. The Government responds that his claims of error are barred by his appeal waiver.

Edgardo-Guillen does not acknowledge the existence of the appeal waiver much less challenge its validity on appeal. A review of the record indicates that he knowingly and voluntarily waived his right to appeal his sentence, *see United States v. Portillo*, 18 F.3d 290, 292 (5th Cir. 1994), and that his claims of error regarding the calculation of the guidelines range are barred by the appeal waiver.

Accordingly, the appeal is DISMISSED. Counsel is WARNED that the filing of an appeal contrary to an appeal waiver is a needless waste of resources and could result in sanctions. *See United States v. Gaitan*, 171 F.3d 222, 224 (5th Cir. 1999).