

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

United States Court of Appeals
Fifth Circuit

FILED

July 16, 2015

Lyle W. Cayce
Clerk

No. 14-41348
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARTEMIO BLANCO-GOMEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:14-CR-30-1

Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Artemio Blanco-Gomez challenges his statutory maximum 120-month sentence for illegal reentry. He argues that the district court incorrectly applied U.S.S.G. § 2D1.1(b)(1). Relying on the appellate waiver in the plea agreement, the Government seeks dismissal of the appeal, summary affirmance or, alternatively, an extension of time in which to file a brief.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-41348

We review the validity of an appeal waiver de novo. *United States v. Baymon*, 312 F.3d 725, 727 (5th Cir. 2002). The waiver provision broadly waived Blanco-Gomez's right to appeal his sentence. He reserved the right to appeal only a sentence in excess of the statutory maximum or to bring a claim of ineffective assistance of counsel that affected the validity of the plea or the waiver. The record of his arraignment shows that the waiver was knowing and voluntary, as Blanco-Gomez knew he had the right to appeal and that he was giving up that right in the plea agreement. *See United States v. Portillo*, 18 F.3d 290, 292 (5th Cir. 1994). Because the plain language of the waiver provision applies to Blanco-Gomez's challenge to his sentence, we will enforce the waiver and DISMISS the appeal. *See United States v. Bond*, 414 F.3d 542, 544, 546 (5th Cir. 2005). The Government's motion to dismiss is GRANTED, its motion for summary affirmance is DENIED, and its alternative motion for an extension of time is also DENIED.