

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

No. 14-60690
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 29, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TONY JONES,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:13-CR-8-3

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Tony Jones appeals his guilty plea conviction of conspiracy to defraud the United States Treasury, contending that the district court plainly erred in imposing a 105-month term of imprisonment. Jones challenges the district court's denial of the Government's motion for a downward departure, the denial of a reduction in his offense level for acceptance of responsibility, and the weighing of the 18 U.S.C. § 3553(a) factors. Relying on the appellate 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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in the plea agreement, the Government seeks the dismissal of the appeal or, alternatively, a summary affirmance. Jones does not challenge the voluntariness of the appeal waiver provision, but asserts that a miscarriage of justice will occur if the waiver is enforced.

Our review of the record shows that Jones's appeal waiver was knowing and voluntary and that, under the plain language of the plea agreement, the waiver applies to the circumstances at hand. *See United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2014). Jones's argument that his claims should be analyzed for a miscarriage of justice in spite of the validity of the waiver of appeal lacks merit. Accordingly, Jones's appeal waiver bars review of the issues he seeks to raise on appeal. *Id.* at 546.

Accordingly, IT IS ORDERED that the Government's motion to dismiss the appeal is GRANTED, and the appeal is DISMISSED. The Government's motion for summary affirmance is DENIED.