

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

No. 15-41219
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 22, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EVERADO SANCHEZ, also known as Don Lalo,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:13-CR-281-21

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Everado Sanchez challenges his 210-month sentence for conspiracy to possess with the intent to manufacture or distribute methamphetamine. He argues that the district court committed procedural errors in imposing his sentence and that the 210-month sentence is substantively unreasonable. Relying on the appellate waiver in Sanchez's plea agreement, the Government

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 15-41219

seeks summary dismissal of the appeal or, alternatively, an extension of time in which to file a brief.

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 Sanchez's right to appeal his sentence, reserving only the right to appeal a sentence in excess of the statutory maximum or a claim of ineffective assistance of counsel. The record in this case shows that the waiver was knowing and voluntary, as Sanchez 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 Sanchez's challenges 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, and its alternative motion for an extension of time is DENIED. Christian T. Souza, the attorney appointed to represent Sanchez on appeal has moved to withdraw as counsel and to have new counsel appointed to represent Sanchez. The motion for the appointment of new counsel is DENIED. Souza's motion to withdraw is premature and will be HELD IN ABEYANCE. Souza should, within 20 days of the dismissal of this appeal, submit documentation to this court showing that he has fulfilled his obligations to Sanchez as set forth in Section 6 of the Fifth Circuit Plan under the Criminal Justice Act.