

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

United States Court of Appeals
Fifth Circuit

FILED

November 14, 2019

Lyle W. Cayce
Clerk

No. 19-60209
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JEROME VINCENT STEVE,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:18-CR-106-1

Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jerome Vincent Steve appeals his above-guidelines sentence after pleading guilty, pursuant to a written plea agreement, to second degree murder. Steve challenges the sentence as procedurally unreasonable on the ground that the district court erroneously imposed various upward departures. Seeking to enforce the appeal waiver, the Government moves to dismiss the appeal and alternatively moves for summary affirmance.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-60209

We review de novo whether an appeal waiver bars an appeal. *United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). Based on our review of the record, Steve knowingly and voluntarily entered his plea agreement, including the appeal waiver, which is enforceable and bars his appeal. *See United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005). As Steve concedes, his contention that his appeal waiver was unknowing because he entered into it prior to sentencing and without knowledge of his ultimate sentence is foreclosed. *See United States v. Melancon*, 972 F.2d 566, 567-68 (5th Cir. 1992). We GRANT the Government's motion to dismiss, and we DENY its alternative motion for summary affirmance as unnecessary.

APPEAL DISMISSED.