

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

No. 19-60276
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 24, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHN BAXTER,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Mississippi
USDC No. 2:17-CR-23-2

Before CLEMENT, ELROD, and OLDHAM, Circuit Judges.

PER CURIAM:*

John Baxter appeals his below-guidelines sentence after pleading guilty, pursuant to a written plea agreement, to conspiring to possess with the intent to distribute methamphetamine. Baxter challenges his sentence as being procedurally unreasonable on the ground that the district court erred in calculating the applicable guidelines sentencing range. Seeking to enforce

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Baxter's appeal waiver, the Government moves to dismiss the appeal and alternatively moves for summary affirmance.

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, Baxter knowingly and voluntarily entered his plea agreement, including the appeal waiver, which is enforceable and bars his appeal. *See id.*; *United States v. Higgins*, 739 F.3d 733, 739 (5th Cir. 2014). Baxter's argument that his appeal waiver was unknowing because he agreed to it without knowledge of his guidelines sentencing range is unavailing. *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.