

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

No. 19-60345
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
February 28, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DIJON JAMESE SEALES, also known as DJ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:18-CR-49-1

Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Dijon James Seales appeals the 285-month sentence imposed following his guilty plea conviction for possession with intent to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime. He raises arguments related to the district court's calculation of his guidelines range. The Government moves to dismiss the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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appeal or, alternatively, for summary affirmance based on the appeal waiver in Seales's plea agreement.

We review de novo whether an appeal waiver bars an appeal. *United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). The record reflects that Seales's appeal waiver was knowing and voluntary. *See United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005). In addition, the language of the appeal waiver applies to Seales's appellate arguments. *See United States v. Jacobs*, 635 F.3d 778, 781 (5th Cir. 2011).

Counsel for Seales is cautioned that pursuing an appeal contrary to a valid waiver and without responding to the Government's invocation of the waiver is a needless waste of judicial resources that could result in sanctions. *See United States v. Gaitan*, 171 F.3d 222, 223-24 (5th Cir. 1999).

Accordingly, the Government's motion to dismiss the appeal is GRANTED, and its alternative motion for summary affirmance is DENIED.

APPEAL DISMISSED; SANCTION WARNING ISSUED.