

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

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2020

Lyle W. Cayce
Clerk

No. 19-60686
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROGER RICHARD ROSSI,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:18-CR-71-1

Before KING, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

Roger Richard Rossi appeals the 322-month sentence imposed following his guilty plea conviction for possession with intent to distribute 50 grams or more of 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 or,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-60686

alternatively, for summary affirmance based on the appeal waiver in Rossi's plea agreement.

This court reviews the enforceability of an appeal waiver de novo. *United States v. Winchel*, 896 F.3d 387, 388 (5th Cir. 2018). The record reflects that Rossi's appeal waiver was knowing and voluntary. *See United States v. McKinney*, 406 F.3d 744, 746 n.2 (5th Cir. 2005). In addition, the language of the appeal waiver applies to Rossi's appellate arguments. *See United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005).

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

APPEAL DISMISSED.