

United States Court of Appeals
for the Fifth Circuit

No. 22-60654
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 8, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KELLI JO AMACKER-OWEN,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:21-CR-104-2

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Kelli Jo Amacker-Owen appeals the 210-month sentence she received after she pleaded guilty to conspiring to possess with intent to distribute a mixture or substance containing heroin, a mixture or substance containing methamphetamine, and a mixture or substance containing methylenedioxymethamphetamine. Amacker-Owen challenges the district

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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court's two-level enhancement for possession of a firearm during the offense and the drug quantity calculation. The Government moves to dismiss the appeal or, alternatively, for summary affirmance based on the appeal waiver in Amacker-Owen's plea agreement.

We review whether an appeal waiver bars an appeal de novo. *United States v. Winchel*, 896 F.3d 387, 388 (5th Cir. 2018). The record demonstrates that Amacker-Owen's appeal waiver was knowing and voluntary. *See United States v. McKinney*, 406 F.3d 744, 746 n.2 (5th Cir. 2005). Under the plain language of the waiver, her arguments challenging her sentence have been waived. *See United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005); *see also United States v. Alvarado-Casas*, 715 F.3d 945, 955-56 (5th Cir. 2013).

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