

United States Court of Appeals for the Fifth Circuit

No. 23-60414
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANKIT PURI,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:19-CR-70-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Ankit Puri pleaded guilty, pursuant to a written plea agreement, to conspiracy to commit bank fraud, mail fraud, and wire fraud, in violation of 18 U.S.C. § 1349. He was sentenced to 87 months of imprisonment and a three-year term of supervised release. On appeal, Puri challenges only his

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

sentence, arguing that the district court erred by imposing a four-level organizer or leader enhancement.

Invoking the waiver of appeal provision in Puri's plea agreement, the Government moves to dismiss his appeal or, alternatively, for summary affirmance, asserting that the waiver is valid and enforceable and precludes Puri's sentencing challenge. The motion for summary affirmance is DENIED because the summary affirmance procedure is generally reserved for cases in which the parties concede that the issues are foreclosed by circuit precedent.

As to the government's motion to dismiss the appeal, a party forfeits an argument by "failing to adequately brief the argument on appeal." *Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021); *Procter & Gamble Co. v. Amway Corp.*, 376 F.3d 496, 499 n.1 (5th Cir. 2004) (collecting cases). Puri has declined to respond to the government's motion. He has therefore forfeited any argument that the appeal waiver is invalid.

The waiver of appeal provision bars Puri's challenge to his sentence. See *United States v. Higgins*, 739 F.3d 733, 736-37 (5th Cir. 2014); *United States v. Walters*, 732 F.3d 489, 491 (5th Cir. 2013). Accordingly, IT IS ORDERED that the Government's motion for dismissal is GRANTED, and the appeal is DISMISSED.