

United States Court of Appeals for the Fifth Circuit

No. 24-60139
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 10, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KENDRICK KENYON DAVIS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:21-CR-118-1

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

Kendrick Kenyon Davis appeals his sentence after pleading guilty, pursuant to a written plea agreement, to conspiracy to possess with intent to distribute 500 grams or more of cocaine. Davis asserts that the district court miscalculated his guidelines range by improperly attributing to him 20 kilograms of cocaine. Seeking to enforce Davis's appeal waiver, the

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

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Government moves to dismiss the appeal and alternatively moves for summary affirmance.

We review the enforceability of an appeal waiver de novo. *See United States v. Kelly*, 915 F.3d 344, 348 (5th Cir. 2019). Based on our review of the record, Davis knowingly and voluntarily agreed to the appeal waiver, which is enforceable and bars his appeal. *See id.* Davis's challenges to the waiver are unavailing. *See United States v. Melancon*, 972 F.2d 566, 567–68 (5th Cir. 1992).

For these reasons, the Government's motion to dismiss the appeal is GRANTED, its alternative motion for summary affirmance is DENIED as unnecessary, and the appeal is DISMISSED.