IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-8337
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID KEITH SCHULTZ,

Defendant-Appellant.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-92-CR110-B
- - - - - - - - - - -
March 19, 1993

Before KING, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:[*]

A defendant may, as part of a valid plea agreement, waive his statutory right to appeal his sentence. United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992). To be valid, the waiver must be informed and voluntary. Id. at 567-68.

Before accepting Schultz's guilty plea, the district court found Schultz to be competent. The court enumerated the rights and privileges that are given up when one enters a guilty plea and asked Schultz if he understood that he was giving up each of

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[*] Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

those rights. Schultz stated that he had not been coerced, that he had an opportunity to go over everything with his attorney and that he understood the plea agreement. The plea agreement was signed by both Schultz and his attorney.

Schultz did not timely dispute the voluntariness of his plea or the validity of the plea agreement.** Because Schultz has not shown that the waiver of the right to appeal was invalid, this appeal is DISMISSED.

** Schultz argues in his reply brief that he did not voluntarily and knowingly waive his right to appeal his sentence. He essentially argues that, in order for a waiver of the right to appeal a sentence to be valid, the district court must expressly alert the defendant that he is waiving this right at the plea hearing. Even were we inclined to agree with this argument, it is well-settled in this circuit, that we do not ordinarily consider arguments raised for the first time in a reply brief.