

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7146
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOEL ARELLANO-MARTINEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-B-92-238(01)
- - - - -
(March 22, 1994)

Before KING, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

Joel Arellano-Martinez pleaded guilty to one count of possession of marijuana with intent to distribute and was sentenced to 30 months imprisonment, three years supervised release, 200 hours community service, and a \$50 special assessment. As part of his plea agreement, Arellano-Martinez waived his "right to appeal the sentence (or the manner in which it was determined) on the grounds set forth in Title 18, United States Code, section 3742 or on any ground whatever." He appeals

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

his sentence arguing that the distinctions made in assessing penalties in the drug quantity table for quantities under twenty kilograms are arbitrary and violate due process.

A defendant may waive his statutory right to appeal his conviction and sentence as part of the plea-bargaining process. United States v. Melancon, 972 F.2d 566, 567-68 (5th Cir. 1992). Because Arellano-Martinez does not challenge the validity of the plea agreement or the appeal-waiver provision, his appeal is DISMISSED.