

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20320  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIX GREGORIO CAICEDO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-93-67-1  
- - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

"[A] defendant may, as a 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). "[T]he waiver must be informed and voluntary." Id. at 567.

In the plea agreement, Caicedo waived his statutory right to appeal his sentence, provided that the sentence was not above the statutory maximum or that the sentence did not include an upward departure. At rearraignment, Caicedo acknowledged that he

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

entered his plea knowingly and voluntarily, that he understood the statutory imprisonment terms of his offenses, and that he had a limited right to appeal his sentence.

Caicedo did not discuss the issue of waiver on appeal, advancing only his constitutional challenges to the sentencing guidelines. Caicedo does not assert that his waiver was anything less than voluntary or that his sentence was imposed based upon an upward departure or exceeded the statutory maximum sentence. Review of the record reveals that his plea was informed and voluntary. Caicedo waived his right to appeal.

DISMISSED.