

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20782
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD WINSTON HALL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-92-CR-137-14
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Richard Winston Hall pleaded guilty to conspiracy to possess with the intent to distribute in excess of five kilograms of cocaine. We denied appointed counsel's Anders** motion and directed the parties to brief the issue whether the sentencing court's failure to consider U.S.S.G. § 5G1.3 because it granted the Government's motion for downward departure was plain error affecting substantial rights. Hall has filed a supplemental brief addressing this issue.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

** Anders v. California, 386 U.S. 738, 744 (1967).

The Government argues that Hall waived the right to appeal his sentence. Our review of the record shows that Hall knowingly and voluntarily waived his right to appeal the sentence imposed by the district court. United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992); United States v. Portillo, 18 F.3d 290, 293 (5th Cir.), cert. denied, 115 S. Ct. 244 (1994).

APPEAL DISMISSED.