

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50232
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM J. HAAS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of
USDC No. P-94-CR-07
- - - - -

(December 8, 1994)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

The Government argues in its supplemental brief that William J. Haas has waived his right to appeal. A defendant may waive his right to appeal if his waiver is knowing and voluntary. United States v. Melancon, 972 F.2d 566, 567-68 (5th Cir. 1992). As part of his plea agreement, Haas expressly waived his right to appeal his sentence, unless the judge made a substantial departure upwards from the Sentencing Guidelines. Haas acknowledged during his arraignment that he had given up his right to appeal except in the case of an upward departure.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Because Haas has waived his right to appeal, his appeal is
DISMISSED.