

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40406  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WESLEY WILLIAM WALTER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:94-CV-310  
- - - - -

February 7, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Wesley William Walter appeals the district court's denial of his motion filed pursuant to 28 U.S.C. § 2255. Walter's claim regarding counsel's failure to file a notice of appeal is without merit because Walter validly waived his right to appeal his sentence. See United States v. Portillo, 18 F.3d 290, 293 (5th Cir.), cert. denied, 115 S. Ct. 244 (1994). Walter's claim that his plea agreement was vague and unenforceable because it failed to specify that other criminal acts may be used against him at

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sentencing also is without merit. Any indication of such in the plea agreement would have been purely speculative and thus properly was not included in the agreement. We do not address for the first time on appeal Walter's newly-raised argument concerning the allegedly "false facts of jurisdiction" contained within the indictment. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

**APPEAL DISMISSED.**