

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11050
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT ERVIN HARNER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CR-131-T
- - - - -

April 17, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Robert Ervin Harner appeals his guilty-plea conviction for bank robbery and aiding and abetting in violation of 18 U.S.C. §§ 2 and 2113(a). Harner argues that the district court clearly erred in increasing his offense level by seven points for the discharge of a firearm during the commission of the offense under § 2B3.1(b)(2)(A) of the U.S. Sentencing Guidelines, in denying a reduction for acceptance of responsibility under § 3E1.1, and in

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

calculating his criminal history. Harner waived his right to appeal these aspects of his sentence in the plea agreement, and he has not shown that the waiver-of-appeal provision was not knowing and voluntary. See United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992). Because Harner waived his right to appeal these issues, his appeal is DISMISSED.

APPEAL DISMISSED.