

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20388
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID BARCENAS SANDOVAL, JR,
also known as David B. Sandoval,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-95-256-1
- - - - -

April 17, 1997

Before REAVLEY, DAVIS and BARKSDALE, Circuit Judges.

PER CURIAM:*

David Barcenas Sandoval, Jr., filed a notice of appeal from his sentence in a guilty-plea conviction for possession of cocaine with intent to distribute. We have reviewed Sandoval's brief and the record and conclude that Sandoval's waiver of his right to appeal as part of the plea agreement was knowing and voluntary. See United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992). A claim

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

that is waived is "entirely unreviewable, unlike forfeited errors, which are reviewable for plain error." See United States v. Musquiz, 45 F.3d 927, 931 (5th Cir.), cert. denied, 116 S. Ct. 54 (1995). The appeal is frivolous and is DISMISSED. See 5th Cir. R. 42.2.