

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40810  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES JASON TINDER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:96-CR-11  
- - - - -

October 22, 1997

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:\*

James Jason Tinder challenges the district court's finding that he breached the written plea agreement, entitling the Government to rescind the agreement. After the district court made this finding, Tinder entered an unconditional guilty plea to conspiracy to possess with intent to distribute methamphetamine and possession with intent to distribute methamphetamine. See 21 U.S.C. §§ 841(a)(1) and (846). By entering an unconditional guilty plea, Tinder waived his right to challenge the district

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

court's finding that he breached the rescinded written plea agreement. See United States v. Smallwood, 920 F.2d 1231, 1240 (5th Cir. 1991). A claim that is waived is "entirely unreviewable" by this court. United States v. Musquiz, 45 F.3d 927, 931 (5th Cir. 1995).

AFFIRMED.