

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-31247
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL ECHEVARRIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 95-CR-66-9-N
- - - - -

October 20, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

The Government moves for the dismissal of the appeal by Manuel Echevarria. Echevarria concedes that he waived his right to appeal his sentence on the issue he raises in his appellate brief, a challenge to the drug quantity for which he was held accountable. He asks this court to review his issue as an exception to his waiver because failure to hear the appeal is fundamentally unfair. His waiver of the right to appeal the sentence precludes our review. See United States v. Portillo, 18

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

F.3d 290, 292-93 (5th Cir. 1994).

The Government's motion to dismiss the appeal is GRANTED and the appeal is DISMISSED.