

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10129
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SCOTT BRIAN TREMBLAY,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CR-277-2
- - - - -

August 18, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Appellant Scott Brian Tremblay appeals his sentence for possession of a firearm by a felon. He argues that the district court erred by not granting his request for a "downward departure" based on minor participation and that the sentencing enhancements he received constitute double counting and violates the Double Jeopardy Clause. In his plea agreement, Tremblay waived his right to appeal on these grounds. See United States v. Portillo, 18 F.3d 290, 292-93 (5th Cir. 1994).

APPEAL DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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