

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50564
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PABLO GARCIA-GARZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-98-CR-103-ALL

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Pablo Garcia-Garza appeals from his sentence following a conviction by guilty plea of illegal reentry. Garcia contends that the district court did not understand that it could have departed downward from the guideline sentencing range because of Garcia's cultural assimilation. We do not consider Garcia's contention - Garcia knowingly and voluntarily waived his right to appeal his sentence. *United States v. Melancon*, 972 F.2d 566, 567-68 (5th Cir. 1992). Garcia's appeal is dismissed as frivolous.

APPEAL DISMISSED. 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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