

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 14, 2010

Lyle W. Cayce
Clerk

No. 10-50020
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEON MANNING,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:09-CR-565-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Deon Manning appeals following his guilty plea conviction. He contends that he did not knowingly and freely waive his right to appeal the constitutional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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reasonableness of his sentence, and, as a result, he is entitled to argue on appeal that the district court improperly sentenced him as a career offender and erroneously increased his base offense level based on post-arrest statements. He also posits that counsel rendered ineffective assistance.

As the government contends, Manning's arguments regarding his sentence are barred by the waiver-of-appeal provision in his plea agreement, which was knowing, voluntary, and enforceable. *See United States v. Robinson*, 187 F.3d 516, 517 (5th Cir. 1999); *United States v. Portillo*, 18 F.3d 290, 292-93 (5th Cir. 1994); FED. R. CRIM. P. 11(b)(1)(N). The record is insufficiently developed to address Manning's ineffective-assistance claims. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). Thus, the judgment is AFFIRMED.