

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

United States Court of Appeals  
Fifth Circuit

**FILED**

January 13, 2020

Lyle W. Cayce  
Clerk

---

No. 19-60514  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHELLE HAWKINS,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 5:18-CR-25-1

---

Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:\*

Michelle Hawkins appeals her within-guidelines sentence after pleading guilty, pursuant to a written plea agreement, to theft of Government funds. She contends that her sentence was substantively unreasonable. Seeking to enforce Hawkins's appeal waiver in her plea agreement, the Government moves to dismiss the appeal and alternatively moves for summary affirmance. Hawkins asserts that the appeal waiver should not be enforced on policy

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-60514

grounds, disagreeing with our precedent in *United States v. Melancon*, 972 F.2d 566 (5th Cir. 1992).

We review de novo whether an appeal waiver bars an appeal. *United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). Based on our review of the record, Hawkins knowingly and voluntarily entered her plea agreement, including the appeal waiver, which is enforceable and bars her appeal. *See United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005). We GRANT the Government's motion to dismiss, and we DENY its alternative motion for summary affirmance as unnecessary.

APPEAL DISMISSED.