

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

United States Court of Appeals
Fifth Circuit

FILED

May 11, 2020

Lyle W. Cayce
Clerk

No. 19-60534
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALEJANDRO MENERA MARTINEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:17-CR-119-1

Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

Alejandro Menera Martinez appeals his within-guidelines sentence after pleading guilty, pursuant to a written plea agreement, to possession with intent to distribute one kilogram or more of heroin. Menera Martinez challenges his sentence as being procedurally unreasonable on the ground that the district court erred by applying a two-level leadership adjustment under U.S.S.G. § 3B1.1(c). Seeking to enforce Menera Martinez's appeal waiver, the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-60534

Government moves to dismiss the appeal or, in the alternative, for summary affirmance.

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, Menera Martinez knowingly and voluntarily entered his plea agreement, including the appeal waiver, which is enforceable and bars his appeal. *See id.*; *United States v. Higgins*, 739 F.3d 733, 739 (5th Cir. 2014). We GRANT the Government's motion to dismiss, and we DENY its alternative motion for summary affirmance as unnecessary.

APPEAL DISMISSED.