

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 19, 2021

Lyle W. Cayce  
Clerk

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No. 20-60768  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

TIMOTHY GRIFFIN,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:19-CR-18-5

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Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:\*

Timothy Griffin appeals his sentence after pleading guilty, pursuant to a written plea agreement, to possession with the intent to distribute methamphetamine. Griffin challenges the district court's application of the career offender enhancement under U.S.S.G. § 4B1.1. Seeking to enforce

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-60768

Griffin's appeal waiver, the Government moves to dismiss the appeal and alternatively moves for summary affirmance.

We review the enforceability of an appeal waiver de novo. *United States v. Winchel*, 896 F.3d 387, 388 (5th Cir. 2018). Based on our review of the record, Griffin knowingly and voluntarily entered his plea agreement, including the appeal waiver, which is enforceable and bars his appeal. *See United States v. Bond*, 414 F.3d 542, 544-45 (5th Cir. 2005). Griffin's argument that the waiver should not be enforced because he agreed to it without knowledge of the specific sentence to be imposed is unavailing. *See United States v. Melancon*, 972 F.2d 566, 567-68 (5th Cir. 1992).

Accordingly, the Government's motion to dismiss the appeal is GRANTED, and its alternative motion for summary affirmance is DENIED as unnecessary.

APPEAL DISMISSED.