

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 29, 2021

Lyle W. Cayce  
Clerk

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No. 21-60296  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOHN ROBERT BECK,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:19-CR-53-1

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Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:\*

John Robert Beck appeals the 15-month sentence he received following his guilty plea conviction for possession of a firearm by a felon. He argues that the district court erred in failing to grant his request for a below-guidelines sentence.

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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The Government moves to dismiss the appeal or, alternatively, for summary affirmance based on the appellate waiver in Beck's written plea agreement. Beck has not responded to the motion or otherwise addressed the validity of the waiver provision. *See United States v. Reagan*, 596 F.3d 251, 254 (5th Cir. 2010); *United States v. Still*, 102 F.3d 118, 122 n.7 (5th Cir. 1996); *see also Beasley v. McCotter*, 798 F.2d 116, 118 (5th Cir. 1986). Even had he briefed it, any argument that the waiver is unenforceable would be unavailing. *See United States v. McKinney*, 406 F.3d 744, 746 & n.2 (5th Cir. 2005).

Because the waiver is valid and plainly applies to Beck's sentencing challenge, the Government's motion to dismiss the appeal is GRANTED. Its alternative motion for summary affirmance is DENIED.

APPEAL DISMISSED.