

United States Court of Appeals
for the Fifth Circuit

No. 22-60367
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 6, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

OSCAR THOMAS, III,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:21-CR-14-1

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Oscar Thomas, III appeals the 110-month sentence imposed following his guilty plea conviction for possession of a firearm by a convicted felon. He argues that the sentence was substantively unreasonable because the district

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 22-60367

court gave undue weight to his criminal history and did not adequately account for other relevant sentencing factors.

The Government moves to dismiss the appeal or, alternatively, for summary affirmance based on the appeal waiver in Thomas's written plea agreement. Thomas's challenge to his waiver as invalid or unenforceable under the circumstances lacks merit, as he was specifically admonished about his right to appeal and that he was giving up that right as part of his plea, and the waiver broadly precludes any challenge to Thomas's sentence. *See United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005). Accordingly, the Government's motion to dismiss the appeal is GRANTED. Its alternative motion for summary affirmance is DENIED. The appeal is DISMISSED.