

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 27, 2026

Lyle W. Cayce
Clerk

No. 25-60338
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JARVIS JERMAINE HAMPTON,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:24-CR-40-1

Before DAVIS, WILSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Jarvis Jermaine Hampton pleaded guilty, pursuant to a plea agreement with an appeal waiver, to possession of methamphetamine with intent to distribute in violation of 21 U.S.C. § 841(a)(1). Raising two sentencing issues, Hampton argues on appeal that the district court erred in overruling his objection to an offense level enhancement assessed pursuant to U.S.S.G.

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

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§ 2D1.1(b)(1) and abused its discretion in denying his motion for a downward variance sentence. The Government moves to enforce Hampton's appeal waiver and dismiss the appeal and, alternatively, moves for summary affirmance based on its entitlement to enforce the waiver. In response, Hampton argues that enforcement of the waiver would result in an injustice in light of his allegation that the district court misapplied the Sentencing Guidelines.

We review the enforceability of appeal waivers de novo. *United States v. Madrid*, 978 F.3d 201, 204 (5th Cir. 2020). To determine whether an appeal waiver bars an appeal, we conduct a two-step inquiry, first examining "whether the waiver was knowing and voluntary," and then considering "whether the waiver applies to the circumstances at hand, based on the plain language of the agreement." *United States v. Kelly*, 915 F.3d 344, 348 (5th Cir. 2019) (internal quotation marks and citation omitted). The record confirms that both conditions are met here. Hampton's challenge to the waiver is unavailing. See *United States v. Nyandoro*, 146 F.4th 448, 463 & n.67 (5th Cir. 2025), *petition for cert. filed* (U.S. Nov. 20, 2025) (No. 25-6218); *United States v. Barnes*, 953 F.3d 383, 389 (5th Cir. 2020).

Accordingly, the Government's motion to enforce the appeal waiver is GRANTED, and the appeal is DISMISSED. The Government's alternative motion for summary affirmance is DENIED.