

United States Court of Appeals for the Fifth Circuit

No. 25-60498
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 26, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MEKO JOEVELL RICE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:24-CR-128-1

Before GRAVES, WILSON, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Meko Joevell Rice appeals the sentence of 240 months of custody and three years of supervised release that he received after his guilty plea conviction for conspiracy to possess with intent to distribute methamphetamine. The Government moves to dismiss the appeal or, alternatively, for summary affirmance based on the waiver of appeal in Rice's plea agreement.

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

We review the enforceability of an appeal waiver *de novo*. *United States v. Madrid*, 978 F.3d 201, 204 (5th Cir. 2020). Enforceability turns on “(1) whether the waiver was knowing and voluntary and (2) whether the waiver applies to the circumstances at hand, based on the plain language of the agreement.” *United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005). Here, the record shows that both conditions have been met.

Rice concedes that the Government’s motion to dismiss is supported by “Fifth Circuit law pertaining to this issue,” but he asks us to deny the motion for the reasons articulated in the concurring opinion in *United States v. Melancon*, 972 F.2d 566, 570–80 (5th Cir. 1992) (PARKER, J., concurring). We are bound by the majority opinion in *Melancon* and subsequent cases that have consistently enforced valid appeal waivers like the one in this case, however. *See id.* at 567–68 (majority opinion); *United States v. Higgins*, 739 F.3d 733, 736–39 (5th Cir. 2014).

Rice also argues that the disparity between his sentence and that of his equally culpable co-defendant resulted in the type of miscarriage of justice that the Supreme Court recently recognized could render an appeal waiver unenforceable, citing *Hunter v. United States*, 608 U.S. ----, 146 S. Ct. 1702 (2026). As Rice notes, the district court made an individualized calculation of the applicable advisory sentencing guidelines and applied several sentencing enhancements that increased his guideline range. To the extent the district court erred in assessing those enhancements against Rice but not his co-defendant, *Hunter* made clear that “standard-fare errors in misapplying sentencing law cannot cancel an appeal waiver.” *Id.* at 1713; *see also United States v. Kersey*, No. 25-14446, 2026 WL 2255267, at *1–2 (11th Cir. Aug. 5, 2026) (holding that an allegedly unwarranted sentencing disparity between the defendant and a co-defendant who had been convicted of fewer and different charges does not meet the high bar that *Hunter* set for a miscarriage of justice that could render an appeal waiver unenforceable).

The Government's opposed motion to dismiss the appeal is GRANTED, its alternative motion for summary affirmance is DENIED, and the appeal is DISMISSED.