

APPENDIX

A. COURT OF APPEALS DECISION

United States Court of Appeals For the First Circuit

Nos. 15-1972
15-1974
15-2029

UNITED STATES,

Appellee,

v.

ALEXANDER NDAULA, a/k/a Money Mals, a/k/a Mal, a/k/a Mals,

Defendant, Appellant.

Before

Howard, Chief Judge,
Torruella and Barron, Circuit Judges.

JUDGMENT

Entered: April 19, 2017

These are fully-briefed consolidated appeals in which the government has filed a motion for summary disposition. Defendant-Appellant Alexander Ndaula contends that the district court erred in calculating his guideline sentencing range (i.e., the applicable offense level and criminal history category) and restitution amount.

We have carefully reviewed all of the submissions of the parties and the record of proceedings in the district court. We conclude that there was no error in the district court's guideline calculations and related findings. See United States v. Martinez-Vargas, 321 F.3d 245, 249-250 (1st Cir. 2003); United States v. Appolon, 695 F.3d 44, 68-69 (1st Cir. 2012). We further conclude that Ndaula's challenge to the restitution amount is barred by the appeal waiver in his plea agreement. See United States v. Gonzalez-Colon, 582 F.3d 124, 127 (1st Cir. 2009) (citing United States v. Teeter, 257 F.3d 14, 24-26 (1st Cir. 2001) (enunciating standard for reviewing appeal waivers)).

Thus, the government's motion for summary disposition is ALLOWED, and, in accordance with the foregoing, we AFFIRM in part and DISMISS in part. See Local Rule 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Elizabeth D. Caddick

Alexander Ndaula

Mark T. Quinlivan

Dina Michael Chaitowitz

Andrew E. Lelling