

APPENDIX

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-50272
Summary Calendar

D.C. Docket No. 3:18-CR-3088-1

United States Court of Appeals
Fifth Circuit

FILED
April 14, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

EDGARDO GRANDE,

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas

Before CLEMENT, ELROD, and OLDHAM, Circuit Judges.

JUDGMENT

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the appeal is dismissed.

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PER CURIAM:*

Edgardo Grande pleaded guilty, pursuant to a written plea agreement, to importing methamphetamine, in violation of 21 U.S.C. § 952(a), and was sentenced to 108 months of imprisonment. He now contends that the sentence imposed is unreasonable. The Government asserts that the appeal is barred by the waiver-of-appeal provision in Grande's plea agreement. We agree with the Government.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Grande's newly raised argument that his plea deal was unconscionable is without merit. This court has long held that a defendant may waive his statutory right to appeal as part of a valid plea agreement so long as the waiver is knowing and voluntary. *See, e.g., United States v. Higgins*, 739 F.3d 733, 736 (5th Cir. 2014); *United States v. Jacobs*, 635 F.3d 778, 781 (5th Cir. 2011). Grande does not argue that his waiver was unknowing or involuntary.

The appeal waiver in the plea agreement therefore bars Grande's challenge to the sentence. Accordingly, the appeal is DISMISSED.