

United States Court of Appeals For the First Circuit

No. 15-1134

UNITED STATES,

Appellee,

v.

ALEX N. MORALES-VELEZ, a/k/a Chapu,

Defendant, Appellant.

Before

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

JUDGMENT

Entered: April 5, 2018

Appellant Alex Morales-Velez alleges that the government breached his plea agreement by recommending a sentence of 188 months, a sentence at the low end of the guideline range calculated based on an Offense Level of 33. He argues that the alleged breach entitles him to resentencing. The government has filed a "motion to dismiss" but actually seeks summary affirmance. Even assuming the appeal waiver set out in the plea agreement does not bar this appeal, the plea agreement allowed the government to recommend a "term of imprisonment at the lower end of the applicable guideline range for Offense Level 33," and that is what the government did. We perceive no breach, especially on plain error review. See United States v. Marín-Echeverri, 846 F.3d 473, 477 (1st Cir. 2017) (standard of review and general principles).

Affirmed. See Local Rule 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk