

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-4638**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SEAN SHAKA MYLES,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (CR-01-35)

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Submitted: May 15, 2003

Decided: May 20, 2003

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Before LUTTIG and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Michael E. Marr, Baltimore, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Harvey E. Eisenberg, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Sean Shaka Myles appeals his conviction, entered upon a written plea agreement, of conspiracy to distribute and to possess with intent to distribute five kilograms or more of cocaine and fifty grams or more of cocaine base, in violation of 21 U.S.C. § 846 (2000). As part of his written plea agreement, Myles expressly waived his right to appeal any sentence falling within the statutory range, except for the right to appeal based on an upward or downward departure from the guideline range established at sentencing. Following an extensive Fed. R. Crim. P. 11 hearing, the district court accepted Myles' plea, and sentenced him to 262 months' imprisonment, five years of supervised release, and a \$100 special assessment.

Myles claims on appeal that the district court erred in not granting him a downward departure from the guideline range. As to this claim, we find that Myles knowingly and voluntarily waived his right to appeal. United States v. Marin, 961 F.2d 493, 496 (4th Cir. 1992).

We therefore dismiss Myles' appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED