

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4069

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LINDA ELAINE MINOR,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Samuel G. Wilson, District Judge. (CR-02-97)

Submitted: June 24, 2004

Decided: June 29, 2004

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Helen Eckert Phillips, Stanardsville, Virginia, for Appellant.
John L. Brownlee, United States Attorney, Roanoke, Virginia,
William F. Gould, Assistant United States Attorney,
Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Linda Elaine Minor appeals her conviction, entered upon a written plea agreement, of distribution of cocaine base, in violation of 21 U.S.C. § 841 (2000). As part of her written plea agreement, Minor expressly waived her right to appeal her sentence, and acknowledged that drug weight was a factual matter to be determined by the district court, that the court could find her responsible for a higher or lower amount, and that such determination of drug weight by the district court was not a basis on which she could rely to seek to withdraw her plea. Following a proper Fed. R. Crim. P. 11 hearing, the district court accepted Minor's plea and sentenced her to forty-six months' imprisonment, three years of supervised release, and a \$100 special assessment.

Minor claims on appeal that the district court erred in adopting the drug weight set forth in her presentence report, rather than that set out in her plea agreement. As to this claim, we find that Minor knowingly and voluntarily waived her right to appeal. United States v. Marin, 961 F.2d 493, 496 (4th Cir. 1992).

We therefore dismiss Minor's 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