

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4060

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LYNELL LAWS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:05-cr-00416-CMH)

Submitted: June 22, 2006

Decided: June 28, 2006

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Sol Z. Rosen, Washington, D.C., for Appellant. Chuck Rosenberg, United States Attorney, Michael J. Frank, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Pursuant to a plea agreement, Lynell Laws pled guilty to conspiracy to distribute fifty grams or more of cocaine base ("crack"), in violation of 21 U.S.C. §§ 841(a)(1) & 846 (2000). The district court sentenced Laws to 179 months imprisonment. He now seeks to appeal, asserting that the district court did not expressly consider all the 18 U.S.C. § 3553(a) (2000) factors and that his sentence is unreasonable. The Government asserts that, in his plea agreement, Laws validly waived the right to appeal his conviction and sentence. We agree with the Government and dismiss the appeal.

In his plea agreement, Laws "waive[d] the right to appeal the conviction and any sentence within the statutory maximum . . . on any ground whatsoever." A defendant may waive the right to appeal if that waiver is knowing and intelligent. See United States v. Blick, 408 F.3d 162, 169-73 (4th Cir. 2005); United States v. Brown, 232 F.3d 399, 402-03 (4th Cir. 2000). Laws does not challenge the validity of his plea or the voluntariness of his appeal waiver. Rather, he challenges his sentence. These issues fall squarely within the waiver. Accordingly, we dismiss the 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