

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 00-4104**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARLON M. ZIALCITA, a/k/a Marlon Dela Paz,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-98-9-A)

---

Submitted: October 10, 2000

Decided: November 1, 2000

---

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

---

Dismissed by unpublished per curiam opinion.

---

Robert Stanley Powell, Arlington, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Robert W. Wiechering, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marlon M. Zialcita appeals from a 136-month sentence imposed following his guilty plea to conspiracy to launder money, 18 U.S.C.A. § 1956 (West Supp. 2000). Zialcita seeks to avoid his waiver of his right to appeal by framing his challenge to the district court's denial of an acceptance of responsibility adjustment as a constitutional claim. We have reviewed the record and find that the district court's decision that Zialcita did not accept responsibility, based on a letter he sent to the court and his delay in signing a consent to forfeiture, did not implicate any constitutional concerns. See United States v. Broughton-Jones, 71 F.3d 1143, 1146-47 (4th Cir. 1995). Accordingly, his waiver of appeal rights is enforceable.

We dismiss the appeal based on Zialcita's valid waiver of appellate review. 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