

MAR 24 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CONCEPCION CHAVEZ-RODRIGUEZ,

Defendant - Appellant.

No. 08-10261

D.C. No. 2:07-CR-01022-DGC-2

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Concepcion Chavez-Rodriguez appeals from the 37-month sentence imposed following his guilty-plea conviction for harboring illegal aliens, in

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1324(a)(1)(A)(iii). We have jurisdiction under 28 U.S.C. § 1291, and we dismiss the appeal.

Chavez-Rodriguez contends that the appeal waiver in his plea agreement does not preclude this appeal because he could not reasonably foresee the sentencing enhancements applied by the district court. Chavez-Rodriguez does not contend that the waiver was not knowing and voluntary. We conclude that the appeal waiver is valid and enforceable and that it precludes this appeal. *See United States v. Nunez*, 223 F.3d 956, 958 (9th Cir. 2000).

DISMISSED.