

MAR 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>BYRON P. BROWN,</p> <p>Defendant - Appellant.</p>
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No. 09-30008

D.C. No. 3:08-CR-00038-RRB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Ralph R. Beistline, Chief District Judge, Presiding

Submitted March 16, 2010\*\*

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Byron Brown appeals from the 60-month sentence imposed following his guilty-plea conviction for conspiring to distribute and to possess with intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(b)(1)(B),

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

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

846, and possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d).

We dismiss in light of the valid appeal waiver.

Brown waived his right to appeal the sentence imposed by the district court and has failed to show that the waiver is invalid. *See United States v. Bibler*, 495 F.3d 621, 624 (9th Cir. 2007).

**DISMISSED.**