

APR 15 2010

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NOT FOR PUBLICATION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.

GOAR ALIBALIAN,

Defendant - Appellant.

No. 08-50465

D.C. No. 2:06-cr-00773-JSL

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
J. Spencer Letts, District Judge, Presiding

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Goar Alibalian appeals from the 72-month sentence imposed following her guilty-plea conviction for health care fraud, in violation of 18 U.S.C. § 1347.

* 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).

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Alibalian contends that the appeal waiver in her plea agreement does not preclude this appeal because her sentence violates the Ex Post Facto Clause, and is thus illegal. This contention lacks merit. *See United States v. Guzman-Bruno*, 27 F.3d 420, 422-23 (9th Cir. 1994); *United States v. Morales*, 11 F.3d 915, 917-18 (9th Cir. 1993). We therefore enforce the valid appeal waiver. *See United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005); *see also United States v. Bibler*, 495 F.3d 621, 624 (9th Cir. 2007).

AFFIRMED.