

JUL 20 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NOT FOR PUBLICATION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.

JAIME ZAZUETA MIRANDA,

Defendant - Appellant.

No. 09-10271

D.C. No. 2:06-CR-00376-JAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Jaime Zazueta Miranda appeals from the 168-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute and distribute methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1). We have jurisdiction under 28 U.S.C. § 1291, and we dismiss based on

* 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).

the valid appeal waiver.

Miranda contends that the appeal waiver contained in his plea agreement is unenforceable. Our review of the agreement indicates that the waiver unambiguously encompasses Miranda's challenge to his sentence. *See United States v. Jeronimo*, 398 F.3d 1149, 1154 (9th Cir. 2005). Miranda's contention that the waiver was not knowing and voluntary because the plea colloquy was deficient is belied by the record. *See id.* at 1154-55.

We decline to consider on direct appeal Miranda's challenge to the validity of his guilty plea based on ineffective assistance of counsel. *See id.* at 1155-56.

DISMISSED.