

FEB 22 2011

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>NEIL R. BROWN,</p> <p>Defendant - Appellant.</p>

No. 10-10187

D.C. No. 2:00-cr-00434-GEH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, District Judge, Presiding

Submitted February 15, 2010**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Neil R. Brown appeals from the district court’s order denying his request for early termination of supervised release pursuant to 18 U.S.C. § 3583(e). We have jurisdiction under 28 U.S.C. § 1291, and we dismiss.

* 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).

Brown contends that the district court erred when it denied his request for early termination of supervised release. The valid and enforceable appeal waiver set forth in the plea agreement precludes our review of this issue. *See United States v. Bibler*, 495 F.3d 621, 623-24 (9th Cir. 2007); *see also United States v. Cope*, 527 F.3d 944, 950 (9th Cir. 2008) (length of term of supervised release is part of the sentence). We therefore enforce the waiver and dismiss the appeal.

DISMISSED.