

JUN 23 2011

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NOT FOR PUBLICATION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.

MOROCCO CURRY,
a.k.a. Monica Dupree,

Defendant - Appellant.

No. 10-50080

D.C. No. 5:07-cr-00064-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Robert H. Whaley, District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Morocco Curry appeals from the 102-month sentence imposed following his guilty-plea conviction for conspiracy to commit bank fraud and wire fraud, in violation of 18 U.S.C. § 1349, and aggravated identity theft, in violation of 18

* 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).

U.S.C. § 1028A. We have jurisdiction under 28 U.S.C. § 1291, and we dismiss.

Curry contends that district court erred (i) by failing to address the sentence disparity between Curry and his co-defendants, (ii) in finding that a four-level aggravated role enhancement was applicable, and (iii) by failing to sua sponte consider the undischarged state sentence. The valid and enforceable appeal waiver precludes our review of these contentions. *See United States v. Watson*, 582 F.3d 974, 985-88 (9th Cir. 2009).

DISMISSED.