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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. BILL CELEYA FLORES, Defendant - Appellant.	No. 11-30273 D.C. No. 3:09-cr-05810-RBL MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Bill Celeya Flores appeals from the 57-month sentence imposed following his guilty-plea conviction for eight counts of distribution of Oxycodone, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); one count of possession with intent to distribute Oxycodone, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C)

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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).

and 18 U.S.C. § 2; and one count of possession of a firearm by an unlawful user of a controlled substance (Methadone), in violation of 18 U.S.C. §§ 922(g)(3), 924(a)(2) and 2. We dismiss.

Flores contends that he was denied effective assistance of counsel at sentencing when counsel failed to object to arguments made by the government that allegedly breached the plea agreement. We are precluded from reaching the merits of Flores's claim by a valid appeal waiver in which Flores gave up his right to pursue a direct appeal of his sentence. *See United States v. Nunez*, 223 F.3d 956, 959 (9th Cir. 2000) ("[O]ne waives the right to argue ineffective assistance of counsel at sentencing on direct appeal when one waives the right to appeal the sentence.").

DISMISSED.