

JUL 03 2012

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NOT FOR PUBLICATION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.

ALONSO GONZALEZ SARMIENTO,

Defendant - Appellant.

No. 10-50324

D.C. No. 2:08-cr-01011-RGK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted June 26, 2012**

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

Alonso Gonzalez Sarmiento appeals from the 48-month sentence imposed following his guilty-plea conviction for conspiracy to manufacture, to possess with the intent to distribute, and to distribute marijuana, in violation of 21 U.S.C. § 846. 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).

Sarmiento contends that his sentence is procedurally and substantively unreasonable. We decline to reach this contention in light of the valid appeal waiver in Sarmiento's plea agreement. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Sarmiento's contention that the appeal waiver is not enforceable because the government breached the covenant of good faith implicit in the plea agreement and took inconsistent positions is not supported by the record.

DISMISSED.