

MAR 07 2013

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NOT FOR PUBLICATION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.

PAUL ANDREW SILMAN,

Defendant - Appellant.

No. 11-50393

D.C. No. 3:09-cr-03879-WQH-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted March 5, 2013**
Pasadena, California

Before: HAWKINS, THOMAS, and HURWITZ, Circuit Judges.

Defendant Paul Andrew Silman appeals his sentence of 65 months
incarceration followed by three years of supervised release. We have jurisdiction

* 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).

under 28 U.S.C. § 1291. Because the parties are familiar with the facts, we need not recount them here.

In his plea agreement, Defendant validly waived his right to appeal his conviction and sentence. *See United States v. Nguyen*, 235 F.3d 1179, 1182–83 (9th Cir. 2000), *abrogated on other grounds by United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011). His arguments that the Government breached the plea agreement are meritless. Accordingly, we dismiss this appeal. *United States v. Michlin*, 34 F.3d 896, 898 (9th Cir. 1994).

DISMISSED.