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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>CURTIS MARK GEBERS, Jr.,</p> <p>Defendant - Appellant.</p> |
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No. 11-10455

D.C. No. 2:08-cr-00350-GMN

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted March 12, 2013**

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Curtis Mark Gebers, Jr., appeals from the district court’s judgment and challenges the \$889,415.71 restitution order imposed as part of his sentence following his guilty-plea conviction for failure to appear, in violation of 18 U.S.C.

* 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).

§ 3146(a)(1). We dismiss.

Gebers contends that the district court abused its discretion when it ordered \$889,415.71 in restitution without explaining adequately its reasoning and methodology. He also contends that the district court erroneously included losses that were not attributable to his conduct. Gebers acknowledges that he waived the right to appeal the restitution order, but he argues that the waiver was not knowing because he lacked sufficient notice of the amount of restitution to be ordered. We review de novo whether a defendant has waived his right to appeal. *See United States v. Watson*, 582 F.3d 974, 981 (9th Cir. 2009).

Contrary to Gebers's contention, his plea agreement specified a maximum amount of restitution to be ordered, and the court imposed restitution in that amount. We accordingly dismiss the appeal. *See United States v. Blitz*, 151 F.3d 1002, 1006 (9th Cir. 1998).

DISMISSED.