

APR 16 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NOT FOR PUBLICATION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.

ANDRES MARCOS TREJO,

Defendant - Appellant.

No. 12-30163

D.C. No. 1:11-CR-00262-EJL-1

MEMORANDUM*

Appeal from the U.S. District Court for Idaho, Boise
Edward J. Lodge, District Judge, Presiding

Submitted April 9, 2013**
Seattle, Washington

Before: D.W. NELSON, TASHIMA and CALLAHAN, Circuit Judges.

Trejo appeals his 46-month sentence for one count of distribution of methamphetamine. This appeal does not fall within an exception to the appellate waiver contained in Trejo’s guilty plea. Moreover, the government did not breach the plea agreement. Accordingly, we dismiss this appeal.

* 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).

DISMISSED.