

OCT 15 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NOT FOR PUBLICATION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.

CARL BERNARD,
AKA: CARL BENARD

Defendant - Appellant.

No. 10-10219

D.C. No. 3:08-CR-00463-JSW-1

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted October 7, 2013**
San Francisco, California

Before: D.W. NELSON, M. SMITH, and IKUTA, Circuit Judges.

Carl Benard¹ (“Benard”) appeals his guilty plea and sentence of 188 months for one count of possession of five or more grams of crack cocaine/cocaine base

* 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).

¹ The appellant’s last name is “Benard,” but the parties and the pleading captions persistently refer to the appellant as “Bernard.”

with intent to distribute. We have jurisdiction pursuant to 28 U.S.C. § 1291. We affirm.

Benard's plea and plea agreement bar this appeal. *United States v. Jeronimo*, 398 F.3d 1149, 1152–53 (9th Cir. 2011). The record establishes that his plea and corresponding waiver of his right to appeal was knowing and voluntary. *United States v. Rahman*, 642 F.3d 1257, 1260 (9th Cir. 2011).

AFFIRMED.