

JUN 18 2014

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NOT FOR PUBLICATION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.

ANTONIO CASARES-CUEVAS, a.k.a.
Fernando, a.k.a. Roberto Mendoza, a.k.a.
Tony,

Defendant - Appellant.

No. 13-10502

D.C. No. 3:12-cr-00038-LRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted June 12, 2014**

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Antonio Casares-Cuevas appeals from the district court’s judgment and challenges the 292-month sentence imposed following his guilty-plea conviction for aiding and abetting, and for conspiracy to possess with intent to distribute and

* 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).

distribution of methamphetamine, in violation of 18 U.S.C. § 2; and 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846. We have jurisdiction under 28 U.S.C. § 1291, and we dismiss.

Casares-Cuevas contends that his sentence is substantively unreasonable because it is greater than necessary to comply with the sentencing purposes set forth in 18 U.S.C. § 3553(a)(2). The government argues that the appeal is barred by a valid appeal waiver. 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).

Casares-Cuevas argues that the waiver is unenforceable because the language of the waiver is complex and he did not knowingly and voluntarily waive his right to appeal. The terms of the appeal waiver in Casares-Cuevas's plea agreement unambiguously encompass this appeal from a sentence at the low end of the Guidelines range. *See United States v. Harris*, 628 F.3d 1203, 1205-06 (9th Cir. 2011). Further, the record reflects that the waiver was knowing and voluntary. *See United States v. Smith*, 389 F.3d 944, 953 (9th Cir. 2004) (*per curiam*). Accordingly, we dismiss this appeal in light of the valid appeal waiver. *See id.*

DISMISSED.