

MAR 16 2015

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NOT FOR PUBLICATION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.

LUIS ANTONIO LAFARGA-SALAZAR,

Defendant - Appellant.

No. 14-50117

D.C. No. 3:13-cr-03269-JAH

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
John A. Houston, District Judge, Presiding

Submitted March 10, 2015\*\*

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Luis Antonio Lafarga-Salazar appeals from the district court's judgment and challenges the 63-month sentence imposed following his guilty-plea conviction for attempted reentry of a removed alien, in violation of 8 U.S.C. § 1326. We dismiss.

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\* 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).

Lafarga-Salazar contends that his sentence is substantively unreasonable. The government contends that this appeal should be dismissed based on the appeal waiver contained in the parties' plea agreement. Lafarga-Salazar argues that the appeal waiver cannot be enforced because the district court violated Federal Rule of Criminal Procedure 11. We review de novo whether a defendant has waived his right to appeal, and for plain error the adequacy of the plea colloquy because Lafarga-Salazar did not raise a Rule 11 objection in the district court. *See United States v. Watson*, 582 F.3d 974, 981, 987 (9th Cir. 2009). The court properly advised Lafarga-Salazar of the appeal waiver at the plea hearing, *see* Fed. R. Crim. P. 11(b)(1)(N), and Lafarga-Salazar has failed to show a reasonable probability that, but for any alleged Rule 11 errors, he would not have pleaded guilty, *see United States v. Dominguez Benitez*, 542 U.S. 74, 76 (2004). Accordingly, we dismiss this appeal based on the valid appeal waiver. *See Watson*, 582 F.3d at 988.

**DISMISSED.**