

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 29 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BRIANNA BETH BORGA,

Defendant-Appellant.

No. 16-10470

D.C. No. 4:16-cr-00217-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Brianna Beth Borga appeals from the district court's judgment and challenges the 36-month sentence imposed following her guilty-plea conviction for importation of a quantity of methamphetamine, in violation of 21 U.S.C. §§ 952(a) and 960(a)(1) and (b)(3). We dismiss.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Borga argues that the district court procedurally erred by miscalculating the Guidelines range. The government contends that this appeal is barred by a valid appeal waiver. We review de novo whether a defendant has waived her right to appeal. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011). The terms of the appeal waiver in Borga's plea agreement unambiguously encompass the claims raised in this appeal. *See id.* at 1205-06. Contrary to Borga's contention, the record reflects that she waived her appellate rights knowingly and voluntarily. *See United States v. Watson*, 582 F.3d 974, 986-87 (9th Cir. 2009). Accordingly, we dismiss pursuant to the valid waiver. *See Harris*, 628 F.3d at 1207.

DISMISSED.