

NOT FOR PUBLICATION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,

No. 16-15931

Plaintiff-Appellee,

D.C. Nos. 1:16-cv-00032-JMS

1:15-cr-00159-JMS

v.

GREGG INOSHITA,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Hawaii

J. Michael Seabright, Chief Judge, Presiding

Submitted September 26, 2017**

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

Gregg Inoshita appeals from the district court's judgment denying his 28 U.S.C. § 2255 motion. We have jurisdiction under 28 U.S.C. § 2253, and we dismiss.

Inoshita challenges his career offender sentence, contending that his prior

* 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).

convictions for bank robbery under 18 U.S.C. § 2113(a) are not “crime[s] of violence” under U.S.S.G. § 4B1.1(a) (2015). The government argues that this 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. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011). The terms of the appeal waiver in Inoshita’s plea agreement unambiguously encompass the claims raised in this appeal. *See id.* at 1205-06. We reject as meritless Inoshita’s arguments that his waiver is unenforceable. Accordingly, we dismiss pursuant to the valid waiver. *See id.* at 1207.

DISMISSED.