

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-3035

September Term, 2000

99cr00063-01

Filed On: May 17, 2001 [596722]

United States of America,
Appellee

v.

Luis Alberto Escobar, a/k/a Tigrillo,
a/k/a Tony, a/k/a Toni,
Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Williams, Sentelle, and Randolph, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. 36; D.C. Cir. Rule 36(b). It is

ORDERED AND ADJUDGED that appellant's sentence be affirmed. By accepting the plea agreement, appellant waived any objections to the amount of cocaine base that determined his base offense level. See Salas v. United States, 139 F.3d 322, 324 (2d Cir. 1998) (defendant not permitted to "challenge the facts underlying his guilty plea"); United States v. Martin, 147 F.3d 529, 533 (7th Cir. 1997) (by accepting the plea agreement, defendant waived any challenge to facts in plea agreement establishing one of the elements of the offense). The district court did not commit plain error in imposing appellant's sentence. See United States v. Saro, 24 F.3d 283, 286 (D.C. Cir. 1994).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam