

JAN 24 2008

CATHY A. CATTERSON, 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NOT FOR PUBLICATION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.

JOSE LUIS VALENZUELA,

Defendant - Appellant.

No. 07-30139

D.C. No. CR-03-00032-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Jose Luis Valenzuela appeals pro se from the district court's denial of his motion to reconsider its order denying his motion to modify his sentence.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Valenzuela contends his sentence is in violation of *United States v. Booker*, 543 U.S. 220 (2005). Because Valenzuela knowingly and voluntarily waived all appeal rights he may have regarding his sentence, and because he was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

DISMISSED.