

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted August 31, 2005*

Decided September 1, 2005

Before

Hon. RICHARD D. CUDAHY, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

No. 04-2111

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MOSES WRIGHT,
Defendant-Appellant.

Appeal from the United States
District Court for the Northern
District of Indiana, Fort Wayne
Division

No. 1:01cr27 TLS

Theresa L. Springmann,
Judge.

O R D E R

Moses Wright pleaded guilty to possession with intent to distribute more than 50 grams of crack cocaine in violation of 21 U.S.C. § 841(a)(1). As part of his plea agreement, Wright waived the right to appeal his sentence on any ground. At sentencing the district court calculated a total offense level of 32, *see* U.S.S.G. § 2D1.1(c)(4), and criminal history category of III, resulting in a sentencing range of

* After an examination of the briefs and the record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. *See* Fed. R. App. P. 34(a)(2).

151 to 188 months. In April 2004 the judge sentenced him to the guideline minimum.

On appeal Wright challenges his sentence, arguing under *United States v. Booker*, 125 S.Ct. 738 (2005), that his rights were violated when his sentence was increased, under a mandatory guidelines system, based on a drug quantity neither admitted by him nor found by a jury beyond a reasonable doubt. But Wright waived his opportunity to challenge this sentence, and though this appeal was briefed before we decided *United States v. Bownes*, 405 F.3d 634 (7th Cir. 2005), we now know that without an “escape hatch” contemplating changes in the law, this waiver is enforceable. See *Bownes*, 405 F.3d at 636-37 (7th Cir. 2005); see also *United States v. Cieslowski*, 410 F.3d 353, 362 (7th Cir. 2005); *United States v. Roche*, 415 F.3d 614, 617 (7th Cir. 2005). Therefore Wright has no right to challenge his sentence and the appeal is DISMISSED.