

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604
(Submitted September 22, 2005)*

Decided October 4, 2005

Before

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. ILANA DIAMOND ROVNER, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

No. 05-1704

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

OLIVER M. DOTTS,
Defendant-Appellant.

Appeal from the United States
District Court for the
Southern District of Illinois.

No. 3:04 cr 30050-001 DRH

David R. Herndon, *Judge.*

O R D E R

Oliver Dotts pleaded guilty to one count of assaulting a federal officer in violation of 18 U.S.C. § 111(a). As part of the plea agreement, he waived the right to appeal his sentence, and there is no applicable exception to the waiver's enforceability. After the Supreme Court decided *United States v. Booker*, 125 S.Ct. 738 (2005), the district court sentenced Dotts to 48 months' imprisonment, exceeding the upper limit of the guidelines' recommended sentence of 15 to 21 months yet nevertheless below the statutory maximum of eight years. Wright now argues that his sentence was unreasonably severe, but his appeal waiver did not contain an "escape hatch" enabling him to challenge his sentence based on our application of *Booker*. See *United States v. Bownes*, 405 F.3d 634, 636-37 (7th Cir. 2005); *United States v. Roche*, 415 F.3d 614, 617 (7th Cir. 2005); *United States v. Cieslowski*, 410 F.3d 353, 362 (7th Cir. 2005); *United States v. Lockwood*, 416 F.3d 604, 608 (7th Cir. 2005). This appeal is DISMISSED.

* Dotts's motion to waive oral argument is granted. Consequently, the appeal is submitted on the briefs and the record. See Fed. R. App. P. 34(f).