

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 96-3957

United States of America,

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Appellee,

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v.

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Appeal from the United States
District Court for the
District of South Dakota.

Scott D. Wullschleger,

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[UNPUBLISHED]

Appellant.

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Submitted: May 23, 1997

Filed: June 20, 1997

Before, HANSEN, MORRIS SHEPPARD ARNOLD, and MURPHY, Circuit Judges.

PER CURIAM.

Scott D. Wullschleger seeks to challenge the sentence imposed by the district court¹ after he pleaded guilty to mail fraud. Wullschleger agreed in his plea agreement, however, to waive his right to appeal his sentence. See United States v. His Law, 85 F.3d 379, 379 (8th Cir. 1996) (per curiam) (specifically enforcing plea agreement

¹The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.

promise not to appeal sentence). We will not consider Wullschleger's argument that he should not be bound by this promise because the government breached the plea agreement, as he failed to raise the alleged breach at sentencing. Cf. United States v. Cohen, 60 F.3d 460, 462 (8th Cir. 1995).

We therefore specifically enforce Wullschleger's promise against him by dismissing his appeal.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.