

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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12-15707  
Non-Argument Calendar

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D.C. Docket No. 0:11-cr-60147-RNS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERTO ALERS,  
a.k.a. Albert Escobar,  
a.k.a. Albert Perez,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(May 3, 2013)

Before TJOFLAT, HULL and PRYOR, Circuit Judges.

PER CURIAM:

Alberto Alers appeals his 120-month sentence after pleading guilty to one

count of conspiracy to encourage and induce aliens to reside in the United States in violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), (B)(i), and one count of conspiracy to commit mail fraud in violation of 18 U.S.C. §§ 1341, 1349. The government filed a motion to dismiss Alers's appeal, based on the sentence appeal waiver in Alers's plea agreement.

The sentence appeal waiver is enforceable, as the district court specifically questioned him about the waiver during his plea colloquy, and none of the waiver's exceptions apply. The Government's motion to dismiss the appeal of Alers's sentence pursuant to the appeal waiver in Appellant's plea agreement is GRANTED. *United States v. Bushert*, 997 F.2d 1343, 1351 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily); *United States v. Grinard-Henry*, 399 F.3d 1294, 1296 (11th Cir. 2005) (waiver of the right to appeal includes waiver of the right to appeal difficult or debatable legal issues or even blatant error).

Alers's appeal of the district court's denial of his motion to return his property falls beyond the scope of the written waiver in his plea agreement. However, based on Alers's clear indication that he is appealing only his sentence, not the validity of his guilty plea, we summarily affirm the district court's denial of the motion. We remand for the limited purpose of correcting the judgment to reflect the offense that Alers was indicted for, mail fraud conspiracy in violation of 18 U.S.C. §§ 1341,

1349.

**DISMISSED IN PART; AFFIRMED IN PART; LIMITED REMAND FOR  
THE PURPOSE OF CORRECTING THE JUDGMENT**