

**NONPRECEDENTIAL DISPOSITION**  
To be cited only in accordance with FED. R. APP. P. 32.1

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

Submitted October 4, 2023

Decided October 5, 2023

*Before*

DIANE S. SYKES, *Chief Judge*

DIANE P. WOOD, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 22-2939

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

Appeal from the United States District  
Court for the Southern District of  
Indiana, Indianapolis Division.

*v.*

No. 1:21CR00119-001

ANTHONY L. THOMAS,  
*Defendant-Appellant.*

Jane Magnus-Stinson,  
*Judge.*

## O R D E R

Anthony Thomas pleaded guilty to one count of sexual exploitation of a child and attempted exploitation of a child. *See* 18 U.S.C. § 2251(a), (e). The district judge sentenced him to 360 months in prison and ten years of supervised release, and she ordered that he pay \$10,000 in restitution and a \$100 special assessment.

Though his plea agreement contains a broad appeal waiver, Thomas filed a notice of appeal. His counsel concludes that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Thomas has not accepted our invitation to respond to counsel's motion. *See* 7TH CIR. R. 51(b). Because counsel's

analysis in the brief appears to be thorough, we limit our review to the subjects he discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

Counsel informs us that Thomas does not wish to challenge his guilty plea, so counsel properly refrains from discussing the voluntariness of the plea. *See United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012); *United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2002). Counsel does, however, consider whether Thomas can raise any nonfrivolous challenges to his sentence. He rightly concludes that Thomas cannot. Thomas's plea agreement waives his right to "appeal the conviction and sentence imposed in this case on any ground," including the length and conditions of his supervised release and the amount of his fine. An appeal waiver stands or falls with the guilty plea, *see, e.g., United States v. Nulf*, 978 F.3d 504, 506 (7th Cir. 2020), and Thomas chose not to challenge his plea. Additionally, no exception to the appeal waiver would apply because his prison sentence and supervised-release term do not exceed the statutory maximums, *see* 18 U.S.C. §§ 2251(e), 3583(k), and nothing in the record suggests that the judge considered any constitutionally impermissible factors, *see United States v. Campbell*, 813 F.3d 1016, 1018 (7th Cir. 2016). He is thus bound by the appeal waiver.

Therefore, we GRANT counsel's motion to withdraw and DISMISS the appeal.