

United States Court of Appeals  
For the Eighth Circuit

---

No. 13-3306

---

United States of America

*Plaintiff - Appellee*

v.

Russell William Anderson, Jr.

*Defendant - Appellant*

---

Appeal from United States District Court  
for the Western District of Missouri - Springfield

---

Submitted: April 9, 2014

Filed: April 14, 2014

[Unpublished]

---

Before WOLLMAN, BOWMAN, and KELLY, Circuit Judges.

---

PER CURIAM.

Russell Anderson directly appeals after he pled guilty to drug and money-laundering offenses, and the district court<sup>1</sup> sentenced him to 135 months in prison, the

---

<sup>1</sup>The Honorable David Gregory Kays, Chief Judge, United States District Court for the Western District of Missouri.

bottom of the advisory Guidelines imprisonment range calculated by the court. Anderson's counsel has filed a brief filed under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in calculating the Guidelines range and imposed a substantively unreasonable sentence. Counsel also moves for leave to withdraw, and Anderson moves for appointment of new counsel.

We note that Anderson pled guilty pursuant to a plea agreement containing an appeal waiver, and we conclude that the appeal waiver is enforceable. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver is generally enforceable if appeal falls within scope of waiver, defendant entered into both plea agreement and waiver knowingly and voluntarily, and enforcement of waiver would not result in miscarriage of justice; allegation that judge misapplied Guidelines or abused his or her discretion is not basis for finding miscarriage of justice in face of valid appeal waiver). In addition, we have independently reviewed the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), and have found no non-frivolous issue for appeal, outside the scope of the appeal waiver. Accordingly, we dismiss this appeal, grant counsel's motion to withdraw, and deny Anderson's motion for appointment of new counsel.

---