

United States Court of Appeals
For the Eighth Circuit

No. 16-2545

United States of America

Plaintiff - Appellee

v.

Jamane J. Smith

Defendant - Appellant

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

Submitted: December 28, 2016

Filed: January 3, 2017

[Unpublished]

Before SMITH, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Jamane Smith appeals from the judgment of the District Court¹ imposing sentence after he pleaded guilty to robbery and firearm charges. His counsel has

¹The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the court imposed a substantively unreasonable sentence. Smith has filed a pro se brief challenging the court's conclusion that he was a career offender under U.S. Sentencing Guidelines § 4B1.1. He has also filed a motion requesting that his appeal be held in abeyance pending an anticipated Supreme Court decision.

Smith pleaded guilty after entering into a written plea agreement containing an appeal waiver. Notwithstanding the assertions made by counsel and Smith, we conclude that the appeal waiver is enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review); United States v. Andis, 333 F.3d 886, 890–92 (8th Cir.) (en banc) (discussing the enforcement of appeal waivers), cert. denied, 540 U.S. 997 (2003); see also United States v. Lumpkins, 687 F.3d 1011, 1014–15 (8th Cir. 2012) (enforcing an appeal waiver in an analogous case), cert. denied, 133 S. Ct. 1612 (2013).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), and have found no non-frivolous issues for appeal. We grant counsel's motion to withdraw, deny Smith's motion, and dismiss this appeal.
