

United States Court of Appeals
For the Eighth Circuit

No. 16-3338

United States of America

Plaintiff - Appellee

v.

Roy Noles

Defendant - Appellant

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

Submitted: March 16, 2017

Filed: March 23, 2017

[Unpublished]

Before RILEY, ARNOLD, and COLLOTON, Circuit Judges.

PER CURIAM.

Roy Noles directly appeals the sentence the district court¹ imposed after he pled guilty to a firearm offense, pursuant to a plea agreement that contained an appeal

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

waiver. His counsel has moved for leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of Noles's sentence.

Upon careful review, we conclude that the appeal waiver is enforceable and applicable to the issue raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice). In addition, we have independently reviewed the record, pursuant to Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the waiver.

We dismiss this appeal, and we grant counsel's motion for leave to withdraw.
