

United States Court of Appeals
For the Eighth Circuit

No. 16-3670

United States of America

Plaintiff - Appellee

v.

Michael Knight

Defendant - Appellant

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

Submitted: July 19, 2017

Filed: July 24, 2017

[Unpublished]

Before WOLLMAN, LOKEN, and BENTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Michael Knight challenges the sentence the district court¹ imposed after he pleaded guilty to drug and gun charges, pursuant to

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

a written plea agreement. His counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), raising the reasonableness of the sentence.

We conclude that the appeal waiver is enforceable, because our review of the record demonstrates that Knight entered into the plea agreement and the appeal waiver knowingly and voluntarily, see Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997); the argument falls within the scope of the waiver; and no miscarriage of justice would result from enforcing the waiver, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); United States v. Andis, 333 F.3d 886, 890-92 (8th Cir. 2003) (en banc). Furthermore, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the waiver.

Accordingly, we grant counsel's motion, and we dismiss this appeal.
