

United States Court of Appeals
For the Eighth Circuit

No. 16-4396

United States of America

Plaintiff - Appellee

v.

Dylan Maron

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: November 28, 2017

Filed: December 28, 2017

[Unpublished]

Before SHEPHERD, MURPHY, and KELLY, Circuit Judges.

PER CURIAM.

Dylan Maron directly appeals the sentence the district court¹ imposed after he pleaded guilty to participating in a drug conspiracy, pursuant to a plea agreement

¹The Honorable Joseph F. Bataillon, United States District Court Judge for the District of Nebraska.

containing an appeal waiver. His counsel has requested leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning whether the sentence is reasonable. Maron has also filed a pro se supplemental brief, challenging the validity of the plea agreement. The government has moved to dismiss the appeal based on the appeal waiver.

We conclude that the appeal waiver is valid and should be enforced as to the issues on appeal, because our review of the record demonstrates that Maron 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); and because the arguments fall 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 of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). Furthermore, we have independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant the government's motion to dismiss this appeal based on the appeal waiver, grant counsel leave to withdraw, and dismiss this appeal.
