

United States Court of Appeals
For the Eighth Circuit

No. 16-4432

United States of America

Plaintiff - Appellee

v.

Damian Mata

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota - Fargo

Submitted: July 24, 2017

Filed: July 26, 2017

[Unpublished]

Before WOLLMAN, LOKEN, and BENTON, Circuit Judges.

PER CURIAM.

Damian Mata directly appeals after he pleaded guilty to a drug offense and the district court¹ imposed a sentence consistent with Mata's Federal Rule of Criminal

¹The Honorable Ralph R. Erickson, United States District Judge for the District of North Dakota.

Procedure 11(c)(1)(C) plea agreement, which contained an appeal waiver. Mata's counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of Mata's sentence.

We conclude that the appeal waiver is valid, applicable, and enforceable. 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). 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. Accordingly, we dismiss this appeal, and we grant counsel's motion for leave to withdraw.
