

United States Court of Appeals
For the Eighth Circuit

No. 16-4473

United States of America

Plaintiff - Appellee

v.

Michael P. Ayala

Defendant - Appellant

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

Submitted: November 13, 2017

Filed: November 16, 2017

[Unpublished]

Before WOLLMAN, LOKEN, and COLLOTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Michael Ayala challenges the sentence the district court¹ imposed after he pleaded guilty--pursuant to a written plea agreement

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.

that included an appeal waiver--to drug, firearm, and money laundering charges. His counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was greater than necessary.

We conclude that the appeal waiver is enforceable, because our review of the record demonstrates that Ayala 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.
