

United States Court of Appeals
For the Eighth Circuit

No. 17-1158

United States of America

Plaintiff - Appellee

v.

Clifton Hudson

Defendant - Appellant

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

Submitted: October 5, 2017

Filed: October 25, 2017

[Unpublished]

Before LOKEN, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

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

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

to a robbery charge. His counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), challenging his career-offender designation and arguing that the sentence was unreasonable.

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