

United States Court of Appeals
For the Eighth Circuit

No. 18-3443

United States of America

Plaintiff - Appellee

v.

Edgar Martinez-Sanchez

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: July 10, 2020

Filed: July 15, 2020

[Unpublished]

Before KELLY, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Edgar Martinez-Sanchez pleaded guilty to conspiring to distribute methamphetamine and cocaine, 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846. The plea agreement waived his right to appeal his sentence unless it exceeded 293 months in

prison. The district court¹ gave him a 210-month sentence. In an *Anders* brief, Martinez-Sanchez's counsel requests permission to withdraw and raises a Sentencing Guidelines enhancement and the substantive reasonableness of the sentence as potential issues on appeal. *See Anders v. California*, 386 U.S. 738 (1967).

We review the validity and applicability of an appeal waiver de novo. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010). Upon careful review, we conclude that the waiver in this case is both applicable and enforceable. *See United States v. Andis*, 333 F.3d 886, 889–92 (8th Cir. 2003) (en banc) (explaining that an appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). We have also independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75 (1988). Accordingly, we dismiss the appeal and grant counsel permission to withdraw.

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota.