

United States Court of Appeals
For the Eighth Circuit

No. 23-1648

United States of America

Plaintiff - Appellee

v.

Lamont Elliott, also known as Lamont William Elliott

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: September 7, 2023

Filed: September 19, 2023

[Unpublished]

Before LOKEN, COLLOTON, and KELLY, Circuit Judges.

PER CURIAM.

Lamont Elliott appeals after he pleaded guilty to distributing methamphetamine pursuant to a plea agreement that includes an appeal waiver. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967),

raising challenges to the voluntariness of Elliott's plea and the sentence imposed by the district court.¹

Upon careful review, we conclude that Elliott is precluded from challenging the voluntariness of his guilty plea in this appeal because he withdrew his pro se motion to withdraw the plea in the district court. See United States v. Gamboa, 701 F.3d 265, 267-68 (8th Cir. 2012); United States v. Umanzor, 617 F.3d 1053, 1060 (8th Cir. 2010). We enforce the appeal waiver as to the remaining challenge to his sentence. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

We have also 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 appeal waiver. Accordingly, we grant counsel's motion to withdraw, and we dismiss the appeal.

¹The Honorable Sarah E. Pitlyk, United States District Judge for the Eastern District of Missouri.