

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 08-2442

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United States of America,

Appellee,

v.

John Ray Blue,

Appellant.

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Appeal from the United States  
District Court for the  
District of Nebraska.

[UNPUBLISHED]

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Submitted: April 7, 2009  
Filed: April 10, 2009

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Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

John Ray Blue appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to bankruptcy fraud in violation of 18 U.S.C. § 152(3). Blue's appellate counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), suggesting that Blue's trial counsel may have prejudiced Blue's rights by failing to properly object to the amount of restitution.

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<sup>1</sup>The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

Blue pleaded guilty pursuant to a plea agreement that contained a broad waiver of his right to appeal his conviction and sentence. We will enforce the appeal waiver here. The record reflects that Blue understood and voluntarily accepted the terms of the plea agreement, including the appeal waiver, and that the appeal falls within the scope of the waiver. We also conclude that no injustice would result from enforcing it. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (discussing enforceability of appeal waiver); United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues for appeal beyond the scope of the waiver. Therefore, we dismiss the appeal and grant counsel's motion to withdraw.

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