

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

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No. 08-3009

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United States of America,

Appellee,

v.

Michael Conner,

Appellant.

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Appeal from the United States  
District Court for the  
Western District of Missouri.

[UNPUBLISHED]

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Submitted: October 8, 2009  
Filed: October 14, 2009

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Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

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PER CURIAM.

Michael Conner appeals the sentence the district court<sup>1</sup> imposed after Conner pled guilty to possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5) and (b)(2). Conner's counsel filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the application of a four level United States Sentencing Guidelines § 2G2.2(b)(4) enhancement to Conner's offense level, and requesting permission to withdraw. This challenge falls within the scope of the appeal waiver contained in Conner's plea agreement. Because the record shows Conner's

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<sup>1</sup>The Honorable Richard E. Dorr, United States District Judge for the Western District of Missouri.

plea was knowing and voluntary, and because we see nothing to suggest enforcement of the waiver would result in a miscarriage of justice, we enforce the appeal waiver in this case. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (holding a court will enforce an appeal waiver in a plea agreement when the appeal falls within the scope of the waiver, both the waiver and the plea agreement were entered into knowingly and voluntarily, and enforcing the waiver would not result in a miscarriage of justice).

We grant counsel's motion to withdraw, and we dismiss the appeal.

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