

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

No. 11-1607

United States of America,

Appellee,

v.

Jeremy Michael Witcher,

Appellant.

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

[UNPUBLISHED]

Submitted: July 5, 2011

Filed: July 8, 2011

Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

PER CURIAM.

Pursuant to a plea agreement containing an appeal waiver, Jeremy Witcher pleaded guilty to making a false claim against the United States in violation of 18 U.S.C. § 287. The district court¹ sentenced him to a 12-month prison term to run consecutively to his undischarged state sentences. Witcher appeals. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning whether the court abused its discretion in imposing a consecutive sentence.

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

We will enforce the appeal waiver. This appeal falls within the scope of the waiver; Witcher's testimony at the plea hearing shows that he entered into both the plea agreement and the waiver knowingly and voluntarily; and we conclude that enforcing the waiver will not result in a miscarriage of justice. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues not covered by the appeal waiver. Accordingly, we grant counsel's motion to withdraw and we dismiss the appeal.
