

United States Court of Appeals  
For the Eighth Circuit

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No. 14-2879

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United States of America

*Plaintiff - Appellee*

v.

Robert Washington

*Defendant - Appellant*

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

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Submitted: March 10, 2015

Filed: March 13, 2015

[Unpublished]

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Before BYE, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Robert Washington directly appeals the sentence the district court<sup>1</sup> imposed after he pled guilty to drug-related charges, and a felon-in-possession charge. His

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<sup>1</sup>The Honorable Catherine D. Perry, Chief Judge, United States District Court for the Eastern District of Missouri.

counsel has moved to withdraw, and has filed a brief citing Anders v. California, 386 U.S. 738 (1967), acknowledging an appeal waiver in Washington's plea agreement, and otherwise challenging Washington's sentence.

Upon careful de novo review, we conclude that the appeal waiver is enforceable. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result); see also United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver). In addition, having reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based upon the appeal waiver.

As for counsel's motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement The Criminal Justice Act of 1964. We therefore deny counsel's motion to withdraw as premature, without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Amendment.

Judge Colloton would grant counsel's motion to withdraw. See United States v. Eredia, 578 Fed. Appx. 620, 621 (8th Cir. 2014) (Colloton, J., concurring in part and dissenting in part).

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