

United States Court of Appeals  
For the Eighth Circuit

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No. 14-3131

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United States of America

*Plaintiff - Appellee*

v.

James Dawson

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Arkansas - Hot Springs

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Submitted: March 13, 2015

Filed: March 20, 2015

[Unpublished]

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Before LOKEN, BOWMAN, and KELLY, Circuit Judges.

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PER CURIAM.

James Dawson directly appeals after he pleaded guilty to a federal drug charge, and the district court<sup>1</sup> sentenced him below the calculated Guidelines range. His

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<sup>1</sup>The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.

counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967). Dawson has filed a pro se supplemental brief raising claims of ineffective assistance of counsel.

After careful de novo review, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010), we will enforce the appeal waiver in Dawson's plea agreement, because the arguments raised in this appeal fall within the scope of the waiver, Dawson's testimony at the plea hearing shows that he entered into the waiver knowingly and voluntarily, and dismissing the appeal based on the waiver will not result in a miscarriage of justice, see United States v. Guzman, 707 F.3d 938, 941 (8th Cir. 2013).

Further, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the appeal waiver. This appeal is dismissed, and counsel's motion to withdraw is granted subject to counsel informing appellant about procedures for seeking rehearing or filing a petition for certiorari.

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