

United States Court of Appeals
For the Eighth Circuit

No. 15-1606

United States of America

Plaintiff - Appellee

v.

Matthew Nicholas Gikas

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: October 26, 2015

Filed: October 29, 2015

[Unpublished]

Before LOKEN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Matthew Gikas directly appeals the sentence imposed by the district court¹ after he pleaded guilty to making and subscribing a false tax return. His counsel has

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable. Gikas has submitted a pro se brief in which he argues that his sentence was disproportionate to that of his co-defendants and that prosecutors lied to the Grand Jury and prosecuted him for impermissible reasons. We conclude that Gikas's appeal waiver should be enforced and prevents consideration of his claims. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-90 (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). Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal.

Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
