

United States Court of Appeals
For the Eighth Circuit

No. 15-1652

United States of America

Plaintiff - Appellee

v.

Ray Anthony James, also known as Anthony Paul Morgan

Defendant - Appellant

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

Submitted: August 21, 2015

Filed: August 26, 2015

[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Ray James, who entered into a written plea agreement and pleaded guilty to an immigration offense, appeals from the sentence imposed by the District Court.¹ His

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

counsel has moved for leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that James’s sentence is unreasonable. James has moved for appointment of new counsel and has filed a pro se brief asserting claims of ineffective assistance of counsel.

We decline to consider James’s ineffective-assistance claims on direct appeal. See United States v. Woods, 717 F.3d 654, 657 (8th Cir. 2013) (“Claims of ineffective assistance of counsel . . . are usually best litigated in collateral proceedings.” (citation to quoted case omitted)). As to all other issues raised, we enforce the appeal waiver in James’s written plea agreement. See United States v. Andis, 333 F.3d 886, 889–92 (8th Cir.) (en banc) (discussing enforcement of appeal waivers), cert. denied, 540 U.S. 997 (2003). Furthermore, we have independently reviewed the record in accordance with Penon v. Ohio, 488 U.S. 75, 80 (1988), and we find no non-frivolous issues outside the scope of the appeal waiver. Accordingly, we grant counsel’s motion to withdraw, and we dismiss this appeal. We also deny James’s motion for appointment of new counsel.
