

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 15-1898

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United States of America

*Plaintiff - Appellee*

v.

Eric Lee Bederson, also known as John Jacobs, also known as Pinkus Diamond,  
also known as pinkusd@live.com, also known as pinchasd@live.com

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: October 29, 2015  
Filed: November 9, 2015  
[Unpublished]

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Before SMITH, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Eric Lee Bederson appeals the 504-month prison sentence imposed by the district court<sup>1</sup> after he pleaded guilty to two counts of distributing child pornography over the internet. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967). Bederson has filed a pro se supplemental brief.

Bederson's written plea agreement contained a waiver of his right to appeal his convictions and sentences, with certain exceptions. After careful de novo review, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010), we will enforce the appeal waiver, because the record shows that Bederson entered into both the plea agreement and the waiver knowingly and voluntarily, and we perceive no resulting miscarriage of justice, see United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). The waiver forecloses all but one of the arguments raised in the briefs. As for counsel's contentions that Bederson's sentence violated due process and constituted cruel and unusual punishment, which arguably fall within an exception to the waiver, we conclude they are without merit. See United States v. Wiest, 596 F.3d 906, 911 (8th Cir. 2010) (standard of review for Eighth Amendment challenge to sentence); United States v. Archuleta, 412 F.3d 1003, 1007 (8th Cir. 2005) (explaining standard for plain error review when due process claim is first raised on appeal).

Having independently reviewed the record pursuant to Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the appeal waiver. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.

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<sup>1</sup>The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.