

United States Court of Appeals
For the Eighth Circuit

No. 15-1934

United States of America,

Plaintiff - Appellee,

v.

Christopher Lindsey,

Defendant - Appellant.

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

Submitted: November 2, 2015

Filed: November 17, 2015

[Unpublished]

Before SMITH, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Christopher Lindsey directly appeals after he pled guilty to fraud and identity-theft offenses, and the district court¹ sentenced him within his calculated Guidelines

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota.

range to 180 months in prison. His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), acknowledging that Lindsey's plea agreement contained an appeal waiver, and arguing that Lindsey's sentence is unreasonable. Counsel has also moved to withdraw. Lindsey has filed a pro se submission arguing that the appeal waiver is invalid because the district court advised him about his appeal rights.

We conclude that the appeal waiver is valid, and after careful de novo review, *see United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010), we further conclude that the appeal waiver is enforceable as to the issue raised by counsel, *see United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc); *see also Nguyen v. United States*, 114 F.3d 699, 703 (8th Cir. 1997). In addition, an independent review of the record under *Penson v. Ohio*, 488 U.S. 75 (1988), reveals no nonfrivolous issues outside the scope of the appeal waiver. Accordingly, the appeal is dismissed, and counsel's motion to withdraw is granted.
