

United States Court of Appeals  
For the Eighth Circuit

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No. 15-2401

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United States of America

*Plaintiff - Appellee*

v.

Juan Rodriguez-Ponce

*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: November 16, 2015

Filed: November 18, 2015

[Unpublished]

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Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Juan Rodriguez-Ponce directly appeals after he pleaded guilty to federal drug-conspiracy and cash-smuggling charges, and the district court<sup>1</sup> sentenced him

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<sup>1</sup>The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

within the calculated Guidelines range. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), raising challenges to the reasonableness of the sentence that was imposed.

After careful de novo review, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010), we will enforce the appeal waiver that is included in Rodriguez-Ponce's written plea agreement, because the claims raised in this appeal fall within the scope of the waiver, Rodriguez-Ponce's testimony at the plea hearing shows that he entered into the plea agreement and the appeal waiver knowingly and voluntarily, and dismissing the appeal based on the waiver will not result in a miscarriage of justice, see United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc). Further, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues that fall outside the scope of the appeal waiver.

This appeal is dismissed, and we grant counsel's motion to withdraw.

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