

United States Court of Appeals
For the Eighth Circuit

No. 15-2821

United States of America

Plaintiff - Respondent

v.

Shain D. Sohl

Defendant - Appellant

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

Submitted: January 21, 2016

Filed: January 28, 2016

[Unpublished]

Before LOKEN, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Shain Sohl directly appeals the sentence that the district court¹ imposed after he pled guilty to federal felon-in-possession charges. His counsel has moved to

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

withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging that Sohl's written plea agreement contains an appeal waiver, but challenging the substantive reasonableness of Sohl's sentence. In a pro se supplemental brief, Sohl also challenges the substantive reasonableness of his sentence.

After careful de novo review, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010), we will enforce the appeal waiver in this case. The claims raised in both the Anders brief and the supplemental brief fall within the scope of the waiver; Sohl's sworn 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.
