

United States Court of Appeals
For the Eighth Circuit

No. 15-3464

United States of America

Plaintiff - Appellee

v.

Dennis Gene Grippando

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - St. Joseph

Submitted: August 17, 2016

Filed: August 22, 2016

[Unpublished]

Before LOKEN, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Dennis Gene Grippando pled guilty to conspiring to distribute a mixture with a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(c), and 846; and to conspiring to commit money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h). He directly appeals the within-guidelines

sentence imposed by the district court.¹ His counsel has moved to withdraw, and filed a brief under *Anders v. California*, 386 U.S. 738 (1967). Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal.

Grippando's plea agreement contains an appeal waiver that prevents consideration of this claim and should be enforced. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); *United States v. Andis*, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result). An independent review of the record reveals no non-frivolous issues for appeal outside the scope of the appeal waiver. See *Penson v. Ohio*, 488 U.S. 75 (1988).

The appeal is dismissed and counsel's motion to withdraw is granted.

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