

United States Court of Appeals
For the Eighth Circuit

No. 15-3620

United States of America

Plaintiff - Appellee

v.

Emmanuel Suarez

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: June 17, 2016

Filed: June 20, 2016

[Unpublished]

Before COLLOTON, GRUENDER, and KELLY, Circuit Judges.

PER CURIAM.

Emmanuel Suarez appeals after he pled guilty to drug and gun charges pursuant to a plea agreement, and the district court¹ sentenced him to prison terms totaling 120

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

months. His counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Suarez's plea was not knowing and voluntary. We conclude that counsel's argument presents no meritorious basis for reversing. See *United States v. Foy*, 617 F.3d 1029, 1033-34 (8th Cir. 2010) (claim that guilty plea was not knowing and voluntary is not cognizable on direct appeal where defendant failed to present it to district court in first instance by motion to withdraw guilty plea). Furthermore, having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal.

Accordingly, we grant counsel's motion for leave to withdraw, and we affirm.
