

United States Court of Appeals
For the Eighth Circuit

No. 16-1094

United States of America

Plaintiff - Appellee

v.

Maria Del Consuelo Garcia

Defendant - Appellant

No. 16-1501

United States of America

Plaintiff - Appellee

v.

Adalit Morales Antonio, also known as Antonio Morales Adalit

Defendant - Appellant

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

Submitted: September 22, 2016

Filed: October 19, 2016

[Unpublished]

Before SMITH, BENTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

These are consolidated direct criminal appeals from judgments entered by the district court.¹ Maria Garcia and Adalit Antonio were charged in the same indictment with participating in a drug conspiracy. They both pleaded guilty, pursuant to plea agreements containing appeal waivers, and the district court sentenced them to prison terms below the statutory minimum, based on safety-valve relief. Their attorneys have moved for leave to withdraw, and have filed briefs under Anders v. California, 386 U.S. 738 (1967), acknowledging the appeal waivers, but challenging the reasonableness of the sentences. In addition, Garcia has filed a pro se supplemental brief arguing that her sentence is unfair.

We conclude that the appeal waivers are enforceable. 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, 890-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). Furthermore, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant both attorneys leave to withdraw, and we dismiss these appeals.

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.