

United States Court of Appeals
For the Eighth Circuit

No. 16-1742

United States of America

Plaintiff - Appellee

v.

Nefer Raul Ariza

Defendant - Appellant

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

Submitted: January 26, 2017

Filed: January 31, 2017

[Unpublished]

Before LOKEN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

After pleading guilty to a drug offense, Nefer Ariza appeals the district court's¹ below-Guidelines sentence. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 38 (1967).

We conclude that Ariza's appeal waiver should be enforced and prevents consideration of his claim. 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, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcing waiver would not result in miscarriage of justice). 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 dismiss the appeal and grant counsel's motion to withdraw.

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