

United States Court of Appeals
For the Eighth Circuit

No. 16-2087

United States of America

Plaintiff - Appellee

v.

Ernest Andrew Britten

Defendant - Appellant

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

Submitted: November 28, 2016

Filed: December 1, 2016

[Unpublished]

Before SHEPHERD, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

Ernest Britten appeals the sentence the district court¹ imposed after he pleaded guilty to a child-pornography charge. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

¹The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

Britten pleaded guilty after entering into a written plea agreement containing an appeal waiver. We conclude that the appeal waiver is 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 Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion and dismiss this appeal.
