

United States Court of Appeals  
For the Eighth Circuit

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No. 16-2173

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United States of America

*Plaintiff - Appellee*

v.

Edward Penn

*Defendant - Appellant*

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

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Submitted: December 27, 2016

Filed: January 5, 2017

[Unpublished]

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Before SHEPHERD, ARNOLD, and KELLY, Circuit Judges.

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PER CURIAM.

After pleading guilty to sexually exploiting a minor, Edward Penn appeals the district court's<sup>1</sup> sentence. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

We conclude that Penn'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, 889-90 (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). Having independently reviewed the record pursuant to Penon 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.

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<sup>1</sup>The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.