

United States Court of Appeals
For the Eighth Circuit

No. 16-2183

United States of America

Plaintiff - Appellee

v.

Leonard Rondeau

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Pierre

Submitted: November 17, 2016

Filed: November 22, 2016

[Unpublished]

Before SMITH, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Leonard G. Rondeau appeals the sentence imposed by the district court¹ after he pled guilty to engaging in sexual contact with a child. His counsel has moved to

¹The Honorable Roberto A. Lange, United States District Judge for the District of South Dakota.

withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967). Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal.

Rondeau was sentenced to a term of 180 months in prison with 3 years of supervised release, to run consecutively to sentences that he was already serving in Nebraska state prison for other offenses. He argues that the federal sentence should run concurrently with the state sentences. Rondeau'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); *see also* 18 U.S.C. § 3584(a) (multiple terms of imprisonment imposed at different times run consecutively unless court orders that terms are to run concurrently); U.S.S.G. § 5G1.3(c) (court may run state and federal sentences concurrently, partially concurrently, or consecutively in order to achieve reasonable punishment). An independent review of the record under *Penson v. Ohio*, 488 U.S. 75 (1988), reveals no non-frivolous issues for appeal.

The appeal is dismissed, and counsel's motion to withdraw is granted.
