

United States Court of Appeals
For the Eighth Circuit

No. 16-4449

United States of America

Plaintiff - Appellee

v.

Donald D. Johnson

Defendant - Appellant

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

Submitted: November 24, 2017

Filed: January 2, 2018

[Unpublished]

Before SHEPHERD, MURPHY, and KELLY, Circuit Judges.

PER CURIAM.

Donald Johnson directly appeals after pleading guilty in the district court¹ to participating in a drug conspiracy, pursuant to a plea agreement containing an appeal

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

waiver. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court inadequately explained Johnson’s sentence and erred in calculating the Guidelines range.

We conclude that the appeal waiver is valid, applicable, and 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 outside the scope of the appeal waiver. Accordingly, we grant counsel’s motion, and we dismiss this appeal.
