

United States Court of Appeals
For the Eighth Circuit

No. 17-2063

United States of America

Plaintiff - Appellee

v.

Nicholas Salinas

Defendant - Appellant

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

Submitted: April 16, 2018

Filed: April 19, 2018

[Unpublished]

Before WOLLMAN, LOKEN, and KELLY, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Nicholas Salinas challenges the sentence the district court¹ imposed after he pleaded guilty to a drug charge, pursuant to a written

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.

plea agreement. His counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was substantively unreasonable.

We conclude that the appeal waiver is enforceable, because our review of the record demonstrates that Salinas entered into the plea agreement and the appeal waiver knowingly and voluntarily, see Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997); the argument falls within the scope of the waiver; and no miscarriage of justice would result from enforcing the waiver, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); United States v. Andis, 333 F.3d 886, 890-92 (8th Cir. 2003) (en banc). 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 waiver.

Accordingly, we grant counsel's motion, and we dismiss this appeal.
