

United States Court of Appeals
For the Eighth Circuit

No. 17-2637

United States of America

Plaintiff - Appellee

v.

Derrick Jermain Brown

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Dubuque

Submitted: August 29, 2018

Filed: September 10, 2018

[Unpublished]

Before BENTON, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Derrick Brown directly appeals the within-Guidelines-range sentence the district court¹ imposed after he pled guilty to a drug offense, pursuant to a plea

¹The Honorable Leonard T. Strand, Chief Judge for the Northern District of Iowa.

agreement containing an appeal waiver. His counsel has moved for leave to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging the appeal waiver and arguing that the district court imposed a substantively unreasonable sentence.

We conclude that the appeal waiver is enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of appeal waiver is reviewed de novo). The record shows that Brown entered into the plea agreement and the appeal waiver knowingly and voluntarily, the arguments on appeal fall within the scope of the waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). Further, 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 request to withdraw, and we dismiss this appeal.
