

United States Court of Appeals
For the Eighth Circuit

No. 17-3081

United States of America

Plaintiff - Appellee

v.

Michael Shane Golden

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: July 17, 2018

Filed: July 20, 2018

[Unpublished]

Before WOLLMAN, BOWMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

Michael Golden directly appeals the within-Guidelines sentence the district court¹ imposed after he pled guilty to a firearm offense pursuant to a plea agreement

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.

containing an appeal waiver. Golden's counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive and procedural reasonableness of Golden's sentence. Golden has filed a pro se supplemental brief, in which he challenges the reasonableness of his sentence and appears to claim that he received ineffective assistance of counsel.

As to the arguments challenging the procedural and substantive reasonableness of the sentence, 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).

Further, we decline to consider Golden's ineffective-assistance claim in this direct appeal, see United States v. Ramirez-Hernandez, 449 F.3d 824, 826-27 (8th Cir. 2006) (ineffective-assistance claims are best litigated in collateral proceedings, where record can be properly developed).

Finally, having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the appeal waiver. Accordingly, we grant counsel's motion to withdraw, and we dismiss this appeal.