

United States Court of Appeals
For the Eighth Circuit

No. 17-3166

United States of America

Plaintiff - Appellee

v.

James E. Caldwell

Defendant - Appellant

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

Submitted: May 22, 2018

Filed: May 30, 2018

[Unpublished]

Before SHEPHERD, KELLY, and GRASZ, Circuit Judges.

PER CURIAM.

James Caldwell directly appeals the sentence the district court¹ imposed after he pleaded guilty, pursuant to a plea agreement containing an appeal waiver, to

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

conspiracy to distribute cocaine base. Caldwell's counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was substantively unreasonable.

Upon careful review, 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, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice). Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal falling outside the scope of the appeal waiver.

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