

United States Court of Appeals
For the Eighth Circuit

No. 17-3704

United States of America

Plaintiff - Appellee

v.

Hassan Lamont Johnson

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: March 4, 2019
Filed: March 7, 2019
[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Hassan Johnson directly appeals the sentence the district court¹ imposed after he pleaded guilty to a firearm offense, pursuant to a plea agreement containing an appeal waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

We will enforce the appeal waiver in this case because our review of the record demonstrates that Johnson entered into the plea agreement and the appeal waiver knowingly and voluntarily, his challenge to the sentence falls within the scope of the appeal 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 motion to withdraw and dismiss this appeal.

¹The Honorable Audrey G. Fleissig, United States District Judge for the Eastern District of Missouri.