

United States Court of Appeals
For the Eighth Circuit

No. 18-1383

United States of America,

Plaintiff - Appellee,

v.

Jason Daniel Davis,

Defendant - Appellant.

Appeal from United States District Court
for the Western District of Missouri - St. Joseph

Submitted: February 19, 2019

Filed: February 26, 2019

[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Jason Davis directly appeals the sentence imposed by the district court¹ after he pleaded guilty to a drug offense, pursuant to a plea agreement containing an appeal

¹The Honorable Greg Kays, United States District Judge for the Western District of Missouri.

waiver. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable. Davis requests appointment of new counsel.

We will enforce the appeal waiver in this case because Davis entered into 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, deny as moot Davis's request for appointment of new counsel, and dismiss this appeal.
