

United States Court of Appeals
For the Eighth Circuit

No. 18-2519

United States of America,

Plaintiff - Appellee,

v.

Marc Gibbons,

Defendant - Appellant.

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

Submitted: February 21, 2019
Filed: February 26, 2019
[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Marc Gibbons 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 filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable.

We will enforce the appeal waiver in this case because our review of the record demonstrates that Gibbons 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. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); *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 dismiss this appeal.

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