

United States Court of Appeals  
For the Eighth Circuit

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No. 18-3274

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United States of America,

*Plaintiff - Appellee,*

v.

Maria Antonia Preciado, also known as Maria Antonia Preciado-Hernandez,

*Defendant - Appellant.*

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Appeal from United States District Court  
for the District of Minnesota

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Submitted: June 20, 2019

Filed: June 26, 2019

[Unpublished]

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Before COLLOTON, ERICKSON, and STRAS, Circuit Judges.

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PER CURIAM.

Maria Preciado pleaded guilty to a drug offense under a plea agreement containing an appeal waiver. The district court<sup>1</sup> sentenced her to a term of

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<sup>1</sup>The Honorable Susan Richard Nelson, United States District Judge for the District of Minnesota.

imprisonment below the advisory guidelines range. Preciado appeals; her counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence.

We will enforce the appeal waiver in this case because Preciado entered into the plea agreement and the appeal waiver knowingly and voluntarily, her 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); *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 based on the appeal waiver, and we grant counsel's motion to withdraw.

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