

United States Court of Appeals
For the Eighth Circuit

No. 19-1041

United States of America

Plaintiff - Appellee

v.

Antonio E. Wills

Defendant - Appellant

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

Submitted: August 26, 2019

Filed: August 29, 2019

[Unpublished]

Before BENTON, SHEPHERD, and KELLY, Circuit Judges.

PER CURIAM.

Antonio Wills appeals after he pleaded guilty to a drug offense, under a plea agreement containing an appeal waiver, and the district court¹ sentenced him to a

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

within-Guidelines prison term. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging Wills's classification as a career offender.

On appeal, Wills does not challenge the validity of the plea agreement or the appeal waiver. He challenges only his career offender classification, but this argument falls within the scope of the waiver and is thus foreclosed. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.
