

United States Court of Appeals
For the Eighth Circuit

No. 19-2105

United States of America

Plaintiff - Appellee

v.

Kristian Bartholomew Price, Originally named Kristian Price

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: April 2, 2020

Filed: April 13, 2020

[Unpublished]

Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Kristian Price appeals after he pled guilty to a child pornography offense, pursuant to a plea agreement containing an appeal waiver, and the district court¹

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

sentenced him within the advisory range under the United States Sentencing Guidelines Manual. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing the appeal waiver is unenforceable and Price's sentence is substantively unreasonable. This court required supplemental briefing on these issues.

Upon careful de novo review, we conclude the appeal waiver is valid, applicable, and enforceable. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing de novo validity and applicability of appeal waiver); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice). We have also independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and there are no non-frivolous issues for appeal falling outside the scope of the appeal waiver. Accordingly, we grant counsel leave to withdraw, and we grant the government's motion to dismiss this appeal.
