

United States Court of Appeals
For the Eighth Circuit

No. 21-1267

United States of America

Plaintiff - Appellee

v.

Ryan Matone

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: September 29, 2021

Filed: October 12, 2021

[Unpublished]

Before ERICKSON, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

Ryan Matone pleaded guilty to possession with intent to distribute methamphetamine and received a 151-month prison sentence. *See* 21 U.S.C. § 841(a)(1), (b)(1)(B). As part of the plea agreement, he waived the right to appeal his conviction and sentence, except for certain circumstances that are absent here.

In an *Anders* brief, Matone’s counsel raises the district court’s¹ denial of a motion to suppress and the substantive reasonableness of the sentence as potential issues on appeal. *See Anders v. California*, 386 U.S. 738 (1967).

Upon careful review, we conclude that the waiver is both enforceable and applicable. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing this issue de novo); *United States v. Andis*, 333 F.3d 886, 889–92 (8th Cir. 2003) (en banc) (explaining that an appeal waiver will be enforced if the defendant knowingly and voluntarily entered into the plea agreement and the waiver, the appeal falls within the scope of the waiver, and it would not result in a miscarriage of justice). We have also independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75, 82–83 (1988). Accordingly, we dismiss the appeal and grant counsel permission to withdraw.

¹The Honorable Susan O. Hickey, Chief Judge, United States District Court for the Western District of Arkansas.