

United States Court of Appeals
For the Eighth Circuit

No. 21-1765

United States of America

Plaintiff - Appellee

v.

Mark E. Burdge

Defendant - Appellant

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

Submitted: August 26, 2021

Filed: August 31, 2021

[Unpublished]

Before BENTON, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Mark Burdge appeals the sentence the district court¹ imposed after he pled guilty to drug offenses and a firearm offense, pursuant to a plea agreement

¹The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

containing an appeal waiver. Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal based on the appeal waiver.

His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967) and has moved to withdraw. This court concludes that the appeal waiver is valid, enforceable, and applicable to this appeal. 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) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in a miscarriage of justice).

Having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), this court finds no nonfrivolous issues for appeal outside the scope of the appeal waiver.

The appeal is dismissed, and counsel's request to withdraw is granted.
