

United States Court of Appeals
For the Eighth Circuit

No. 22-1725

United States of America

Plaintiff - Appellee

v.

Luis Ortiz Rodriguez

Defendant - Appellant

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

Submitted: August 2, 2022

Filed: August 5, 2022

[Unpublished]

Before GRUENDER, MELLOY, and KOBES, Circuit Judges.

PER CURIAM.

Luis Ortiz Rodriguez appeals the sentence the district court¹ imposed after he pleaded guilty to drug and firearm offenses, pursuant to a plea agreement containing

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

an appeal waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the prison sentence on the drug conviction and raising claims of ineffective assistance of counsel.

Upon de novo review, we conclude the appeal waiver is valid, enforceable, and applicable to the sentencing issues raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review). Rodriguez's arguments fall within the scope of the waiver, the record shows he entered into the plea agreement and waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc); Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997). We will not review Rodriguez's claims of ineffective assistance of counsel on direct appeal. See United States v. Ramirez-Hernandez, 449 F.3d 824, 827 (8th Cir. 2006). Finally, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for review outside the scope of the appeal waiver.

Accordingly, we dismiss the appeal and grant counsel's motion to withdraw.
