

United States Court of Appeals  
For the Eighth Circuit

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No. 24-1583

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United States of America

*Plaintiff - Appellee*

v.

Kyle James Gipson

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: August 23, 2024

Filed: August 28, 2024

[Unpublished]

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Before KELLY, STRAS, and KOBES, Circuit Judges.

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PER CURIAM.

Kyle Gipson appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to a child-exploitation offense pursuant to a plea agreement containing an

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<sup>1</sup>The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri, now retired.

appeal waiver. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable but acknowledging the appeal waiver.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (“This court reviews de novo the validity and applicability of [an] appeal waiver.”); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (noting that 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 miscarriage of justice).

We have 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 appeal waiver. Accordingly, we dismiss the appeal based on the appeal waiver and grant counsel’s motion to withdraw.

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