

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-2873

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United States of America,

Appellee,

v.

Ryan J. Pflug,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* District of North Dakota.  
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\* [UNPUBLISHED]  
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Submitted: January 7, 2004

Filed: January 23, 2004

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Before RILEY, McMILLIAN, and SMITH, Circuit Judges.

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PER CURIAM.

Ryan Pflug pleaded guilty to distributing marijuana, in violation of 21 U.S.C. § 841(a)(1), and being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The district court<sup>1</sup> sentenced him to 51 months imprisonment and 3 years supervised release.

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<sup>1</sup>The Honorable Daniel Hovland, Chief Judge, United States District Court for the District of North Dakota.

On appeal Pflug's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was too harsh and that the district court failed to assure that a factual basis existed to support the felon-in-possession charge. These arguments, however, fall within the scope of an appeal waiver contained in Pflug's plea agreement; Pflug voluntarily and knowingly entered into the plea agreement and the waiver; and enforcement of the waiver will not result in a miscarriage of justice. Accordingly, we enforce the waiver. See United States v. Woods, 346 F.3d 815, 817-18 (8th Cir. 2003).

Having found in our independent review no nonfrivolous issues not covered by the waiver, see Penson v. Ohio, 488 U.S. 75 (1988), we affirm, and we grant counsel's motion to withdraw.

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