

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

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No. 05-3294

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United States of America,

Appellee,

v.

Brian Bear Heels,

Appellant.

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Appeal from the United States  
District Court for the  
District of South Dakota.

[UNPUBLISHED]

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Submitted: October 20, 2006  
Filed: October 31, 2006

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Before SMITH, MAGILL, and BENTON, Circuit Judges.

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PER CURIAM.

Brian Bear Heels appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to second degree murder, in violation of 18 U.S.C. §§ 1153, 1111, and 2. His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967); Bear Heels objects to counsel's request to withdraw.

Bear Heels's plea agreement contains a valid appeal waiver. *See United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforceability of

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<sup>1</sup>The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

appeal waiver); *see also United States v. Estrada-Bahena*, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in *Anders* case). Having reviewed the record independently pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), for any nonfrivolous issues not covered by the appeal waiver, we find none. Accordingly, we enforce the waiver, and dismiss the appeal. We also grant counsel leave to withdraw.

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