

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2424

United States of America,

Appellee,

v.

Terry Cross,

Appellant.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: November 30, 2006

Filed: December 14, 2006

Before SMITH, MAGILL and BENTON, Circuit Judges.

PER CURIAM.

Terry Cross appeals the sentence the district court¹ imposed after he pleaded guilty to possessing methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A), and being a felon and unlawful drug user in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), (3), and 924(a)(2). His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

Cross'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 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), we find no nonfrivolous issues not covered by the appeal waiver.

Accordingly, we enforce the waiver and dismiss the appeal. We also grant counsel leave to withdraw.
