

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

No. 05-4211

United States of America,

Appellee,

v.

Chantry Hale,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: February 15, 2007

Filed: March 2, 2007

Before SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

After Chantry Hale pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), the district court¹ sentenced him to 92 months in prison and 3 years of supervised release. On appeal, Hale's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

We enforce the appeal waiver included in Hale's written plea agreement: the plea colloquy reflects that Hale understood and voluntarily accepted the terms of the

¹The Honorable Scott O. Wright, United States District Judge for the Western District of Missouri.

plea agreement, including the waiver; this appeal falls within the scope of the waiver; and no injustice would result. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, both plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result; one important way district court can ensure plea agreement and appeal waiver are knowing and voluntary is to properly question defendant about decision to enter agreement and to waive right to appeal); 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 under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues that are not covered by the appeal waiver. Accordingly, we dismiss the appeal, and we grant counsel's motion to withdraw.
