

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1836

United States of America,

Appellee,

v.

Tyler Joseph Berglund,

Appellant.

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

[UNPUBLISHED]

Submitted: June 6, 2007

Filed: June 22, 2007

Before RILEY, MAGILL, and MELLOY, Circuit Judges.

PER CURIAM.

Tyler Joseph Berglund (Berglund) appeals the 282-month prison sentence the district court¹ imposed after Berglund pled guilty to drug conspiracy and firearms charges. In a brief filed under Anders v. California, 386 U.S. 738 (1967), his counsel argues that the district court’s sentence was “[e]rroneously [e]xaggerated by a [m]isapplication of the Sentencing Guidelines” and that the court erred in failing to grant a greater downward departure at sentencing.

¹The Honorable Ralph R. Erickson, United States District Judge for the District of North Dakota.

We enforce the broad appeal waiver included in Berglund's plea agreement because (1) the plea colloquy reflects that Berglund understood and voluntarily accepted the terms of the plea agreement, including the waiver; (2) this appeal falls within the scope of the waiver; and (3) no injustice would result. 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 Penon v. Ohio, 488 U.S. 75, 80 (1988), for any nonfrivolous issue not covered by the waiver, we find none. Therefore, we enforce the waiver and dismiss the appeal. We also grant counsel's motion to withdraw.
