

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

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No. 06-2821

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United States of America,

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Appellee,

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v.

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Appeal from the United States

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District Court for the

Scott Donald Wiele,

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District of Minnesota.

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Appellant.

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[UNPUBLISHED]

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Submitted: October 5, 2007

Filed: October 31, 2007

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Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

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PER CURIAM.

Scott Donald Wiele appeals the 108-month prison sentence the district court<sup>1</sup> imposed after he pleaded guilty to mail fraud, in violation of 18 U.S.C. § 1341 (Count 1); wire fraud, in violation of 18 U.S.C. § 1343 (Count 2); and money laundering, in violation of 18 U.S.C. § 1957(a) (Count 3). In a brief filed under *Anders v. California*, 386 U.S. 738 (1967), his counsel argues that Wiele's sentence is unreasonable because the court failed to consider the mitigating factors presented at sentencing, and improperly weighed the 18 U.S.C. § 3553(a) factors.

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<sup>1</sup>The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota.

We enforce the appeal waiver included in Wiele's plea agreement: the plea colloquy reflects that Wiele understood and voluntarily accepted the terms of the 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) (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).

After reviewing the record independently pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), we affirm the judgment of the district court. We grant counsel's withdrawal motion, and we deny Wiele's pending motion to stay the appeal.

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