

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1161

United States of America,

Appellee,

v.

Feendios J. Felix,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: October 26, 2007

Filed: October 31, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Feendios Felix challenges the reasonableness of the 151-month prison sentence imposed by the district court¹ following his guilty plea to possessing with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1). The government argues that Felix's appeal is foreclosed by a provision in Felix's plea agreement in which he explicitly "waive[d] . . . his right to directly appeal any issue in this case."

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

We will enforce an appeal waiver where the defendant knowingly and voluntarily entered into the plea agreement and appeal waiver, the appeal falls within the scope of the waiver, and no miscarriage of justice would result. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). We conclude that, in light of the magistrate's specific questioning of Felix at his change-of-plea hearing, he knowingly and voluntarily entered into the plea agreement and appeal waiver, and that enforcing the appeal waiver would not result in a miscarriage of justice. We therefore hold that the appeal waiver is enforceable and that Felix's challenge to his sentence is foreclosed. See id. at 892 (defendant's allegation that district court misapplied Guidelines or abused its discretion is not subject to appeal in face of enforceable appeal waiver); United States v. Reeves, 410 F.3d 1031, 1034 (8th Cir. 2005) (broad appeal waiver precludes appeal based on misapplication of Guidelines).

Accordingly, we dismiss the appeal.
