

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

No. 07-1270

United States of America,

Appellee,

v.

Lamar Decarlo Rodriguez,

Appellant.

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

[UNPUBLISHED]

Submitted: December 20, 2007

Filed: December 21, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Lamar Rodriguez appeals the sentence the district court¹ imposed after he pleaded guilty to conspiring to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846, and possessing a firearm during and in relation to a drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A). His counsel has moved to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967).

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

We enforce the appeal waiver contained in Rodriguez's written plea agreement. The record indicates that Rodriguez entered into the agreement and the waiver knowingly and voluntarily; and we conclude that this appeal falls within the scope of the waiver, and that enforcing the waiver will not result in a miscarriage of justice. *See United States v. Andis*, 333 F.3d 886, 890-92 (8th Cir. 2003) (en banc); *United States v. Estrada-Bahena*, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam).

Reviewing the record independently under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues beyond the scope of the waiver.

Accordingly, we dismiss the appeal, and we grant counsel's motion to withdraw.
