

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2806

United States of America,

Appellee,

v.

Leon Powell,

Appellant.

*
*
*
*
*
*
*
*
*

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

[UNPUBLISHED]

Submitted: October 2, 2008

Filed: October 7, 2008

Before MURPHY, BYE, and BENTON, Circuit Judges.

PER CURIAM.

Leon Powell appeals the sentence the district court¹ imposed after he pleaded guilty to possessing methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C). Powell's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967). The government has moved to dismiss the appeal based on an appeal waiver in Powell's plea agreement.

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

We enforce the appeal waiver, because Powell knowingly and voluntarily entered into both the plea agreement and the waiver, the arguments on appeal fall within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues for appeal beyond the scope of the waiver. Accordingly, we grant the government's motion and dismiss this appeal. We also grant defense counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari.
