

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

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No. 09-3270

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United States of America,

Appellee,

v.

Thomas L. Graham,

Appellant.

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

[UNPUBLISHED]

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Submitted: May 4, 2010  
Filed: May 25, 2010

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Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Thomas L. Graham was charged with possession of a stolen firearm, in violation of 18 U.S.C. §§ 922(j) and 924(a)(2). Graham pleaded guilty in accord with a written plea agreement, which contained an appeal waiver. The district court<sup>1</sup> sentenced Graham to 115 months in prison, within the advisory Guidelines sentencing range. On appeal, counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the sentence.

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<sup>1</sup>The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

We will enforce the appeal waiver in this case because Graham's appeal falls within the scope of the waiver, the record shows the requisite knowledge and voluntariness, and enforcing the appeal waiver would not constitute a miscarriage of justice. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where appeal falls within scope of waiver, both plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result); see also United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Having independently reviewed the record under Penon v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issue not covered by the waiver. Accordingly, we grant counsel leave to withdraw, and we dismiss this appeal.

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