

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2745

United States of America,

Appellee,

v.

Kelvin L. Stinson,

Appellant.

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

[UNPUBLISHED]

Submitted: November 26, 2010

Filed: December 7, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Kelvin Stinson challenges the sentence the district court¹ imposed upon his guilty plea to a drug offense. His counsel seeks leave to withdraw, and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising as a potential issue that the sentence is unreasonable.

We will dismiss this appeal. The written plea agreement contains an appeal waiver, and we conclude that the waiver should be enforced: the transcript of the plea

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

hearing discloses that Stinson knowingly and voluntarily entered into the plea agreement after discussing it with his attorney, and understood the appeal waiver; the argument on appeal falls within the scope of the waiver; and enforcing the waiver would not result in a miscarriage of justice. See United States v. Andis, 333 F.3d 886, 890-92 (8th Cir. 2003) (en banc) (enforceability of appeal waiver); United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Having reviewed the record independently pursuant to Penon v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issue for appeal. Accordingly, we dismiss this appeal, and we grant counsel's motion to withdraw, subject to counsel informing Stinson about procedures for seeking rehearing or filing a petition for certiorari.
