

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2391

United States of America,

Appellee,

v.

Dayton Matthew Heins,

Appellant.

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* Appeal from the United States
* District Court for the
* Southern District of Iowa.
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* [UNPUBLISHED]
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Submitted: November 1, 2011

Filed: November 4, 2011

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Pursuant to a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement, Dayton Heins pleaded guilty to possessing child pornography. The district court¹ sentenced him to 30 months in prison, which was the prison sentence the parties agreed upon in the plea agreement, and 5 years of supervised release. On appeal, Heins's counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967). Heins has filed a pro se supplemental brief.

¹The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

In the written plea agreement, Heins agreed to waive all of his rights to appeal his conviction and sentence, except for certain claims of ineffective assistance of counsel and prosecutorial misconduct, so long as the court imposed the agreed-upon sentence. We will enforce the appeal waiver. The plea hearing transcript shows that Heins entered into both the plea agreement and the appeal waiver knowingly and voluntarily; the appeal waiver is effective, because the court imposed the agreed-upon sentence; the arguments raised on appeal fall within the scope of the 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 pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the waiver. Accordingly, we grant counsel's motion to withdraw, and we dismiss this appeal.
