

United States Court of Appeals
For the Eighth Circuit

No. 12-2049

United States of America

Plaintiff - Appellee

v.

Jimmy Lee Ly,
True Name Jim Lee Ly

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: October 5, 2012
Filed: October 12, 2012
[Unpublished]

Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Jimmy Lee Ly appeals from the sentence the District Court¹ imposed after Ly pleaded guilty to a drug offense. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable.

We note that the written plea agreement contained an appeal waiver, and we conclude that the waiver is enforceable. See United States v. Jennings, 662 F.3d 988, 990 (8th Cir. 2011) (noting that an appeal waiver is generally enforceable if the appeal falls within the scope of the waiver, both the waiver and the plea agreement were entered into knowingly and voluntarily, and enforcement of the waiver would not result in a miscarriage of justice), cert. denied, 132 S. Ct. 2407 (2012). We have independently reviewed the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), and we have found no non-frivolous issues.

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

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.