

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2200

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United States of America

*Plaintiff - Appellee*

v.

Carlos Maurice Harris

*Defendant - Appellant*

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

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Submitted: February 5, 2013

Filed: February 12, 2013

[Unpublished]

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Before LOKEN, MELLOY, and BENTON, Circuit Judges.

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PER CURIAM.

Carlos Harris appeals the 300-month prison term the district court<sup>1</sup> imposed after he pled guilty to a firearm-related charge. Harris's counsel has moved to

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is unreasonable.

Harris entered his guilty plea pursuant to a Fed. R. Crim. P. 11(c)(1)(C) plea agreement, which set forth the parties' agreement to a term of imprisonment of no less than 264 months and no greater than 360 months, and which contained Harris's waiver of his right to appeal his sentence except if the court were to impose a prison term greater than 360 months. Upon careful review, this court concludes that the appeal waiver precludes Harris's challenge to his sentence because (1) counsel's argument falls squarely within the scope of the waiver, (2) the record shows that Harris entered into the plea agreement and the appeal waiver knowingly and voluntarily, and (3) 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) (setting forth criteria for enforcing appeal waiver); *see also United States v. Azure*, 571 F.3d 769, 772 (8th Cir. 2008) (de novo review of whether defendant waived appeal right).

Finally, having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), this court finds no nonfrivolous issues for appeal.

Counsel's motion to withdraw is granted, and the appeal is dismissed.

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