

United States Court of Appeals
For the Eighth Circuit

No. 12-3177

United States of America

Plaintiff - Appellee

v.

Enrique Ramirez

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: May 2, 2013

Filed: May 8, 2013

[Unpublished]

Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

PER CURIAM.

Under the terms of a written plea agreement that contained an appeal waiver, Enrique Ramirez pleaded guilty to conspiring to distribute methamphetamine, in

violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846. The district court¹ imposed a sentence of 180 months in prison and 5 years of supervised release. On appeal, Ramirez's counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of the sentence.

We conclude that the appeal waiver should be enforced as to all issues in this appeal. See United States v. Jennings, 662 F.3d 988, 990 (8th Cir. 2011) (court should enforce appeal waiver if both waiver and plea agreement were entered into knowingly and voluntarily, appeal is within waiver's scope, 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 Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issue not covered by the waiver. Accordingly, we dismiss this appeal and grant counsel's motion to withdraw, subject to counsel informing Ramirez about procedures for seeking rehearing or filing a petition for certiorari.

¹The Honorable Greg Kays, United States District Judge for the Western District of Missouri.