

United States Court of Appeals
For the Eighth Circuit

No. 14-1553

United States of America

Plaintiff - Appellee

v.

Ruben Castro, also known as Ruben Alvarado-Castro

Defendant - Appellant

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

Submitted: November 20, 2014

Filed: November 24, 2014

[Unpublished]

Before WOLLMAN, BYE, and MELLOY, Circuit Judges.

PER CURIAM.

Ruben Castro directly appeals after he pled guilty to a drug-related conspiracy charge and the district court¹ sentenced him to a prison term within his calculated

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

Guidelines range. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging an appeal waiver in Castro's plea agreement, and otherwise challenging Castro's sentence. Castro has filed pro se motions for appointment of new counsel.

Upon careful de novo review, we enforce the appeal waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result); see also United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver). In addition, having reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based upon the appeal waiver, we grant counsel leave to withdraw, and we deny Castro's motions for newly appointed counsel.
