

United States Court of Appeals
For the Eighth Circuit

No. 14-2006

United States of America

Plaintiff - Appellee

v.

Matthew David Fell

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: December 30, 2014

Filed: January 6, 2015

[Unpublished]

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Matthew Fell appeals the sentence imposed by the district court¹ after he pled guilty to making false threats. Counsel has filed a brief under *Anders v. California*,

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

386 U.S. 738 (1967), arguing that the sentence is unreasonable. Fell has filed a pro se brief.

The written plea agreement contains an appeal waiver, which this court will enforce. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review). By its terms, the appeal waiver encompasses all challenges raised in a direct appeal. After careful review of the plea transcript in this case, this court is satisfied that Fell entered into both the plea agreement and the appeal waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver in these circumstances. *See Nguyen v. United States*, 114 F.3d 699, 703 (8th Cir. 1997) (defendant's statements made during plea hearing carry strong presumption of verity) and *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). Independent review of the record under *Penson v. Ohio*, 488 U.S. 75, 80 (1988), reveals no nonfrivolous issue outside the scope of the appeal waiver.

The judgment of the district court is affirmed.
