

United States Court of Appeals
For the Eighth Circuit

No. 15-1276

United States of America

Plaintiff - Appellee

v.

Jesus F. Almeida-Olivas, also known as Chaparro, also known as Chuy, also
known as Jose Almeida-Olivas

Defendant - Appellant

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

Submitted: July 20, 2015
Filed: July 21, 2015
[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Jesus Almeida-Olivas directly appeals after he pleaded guilty to federal drug charges, pursuant to a plea agreement, and the district court¹ sentenced him within the calculated Guidelines range. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), raising challenges to the reasonableness of the sentence that was imposed.

The written plea agreement in this case contains an appeal waiver, and after careful de novo review, see United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010), we will enforce the appeal waiver. The claims raised in this appeal fall within the scope of the waiver; Almeida-Olivas's testimony at the plea hearing shows that he entered into the plea agreement, and the appeal waiver, knowingly and voluntarily; and dismissing the appeal based on the waiver will not result in a miscarriage of justice. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc).

Further, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the appeal waiver. This appeal is dismissed, and we grant counsel's motion to withdraw.

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.