

United States Court of Appeals
For the Eighth Circuit

No. 15-1969

United States of America

Plaintiff - Appellee

v.

Donald D. Kestner

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - St. Joseph

Submitted: November 16, 2015

Filed: November 27, 2015

[Unpublished]

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Donald Kestner directly appeals the sentence imposed by the district court¹ after he pleaded guilty to bank robbery and carrying a firearm during and in relation

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

to a crime of violence. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable. We conclude that Kestner's appeal waiver should be enforced and prevents consideration of his claim. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-90 (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). Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal.

Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
