

United States Court of Appeals
For the Eighth Circuit

No. 15-3684

United States of America

Plaintiff - Appellee

v.

Reginald L. Ford

Defendant - Appellant

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

Submitted: March 29, 2016

Filed: April 1, 2016

[Unpublished]

Before GRUENDER, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Reginald Ford directly appeals the sentence imposed by the district court¹ after he pled guilty to a drug offense, pursuant to a plea agreement containing an appeal

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.

waiver. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Ford's sentence is unreasonable and that Ford received ineffective assistance of counsel. Ford has filed a supplemental brief, arguing that the district court misapplied the career-offender provisions of the Guidelines, in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). First, we decline to reach the ineffective-assistance claim on direct appeal. See *United States v. Ramirez-Hernandez*, 449 F.3d 824, 826-27 (8th Cir. 2006) (ineffective-assistance claims are usually best litigated in collateral proceedings, where record can be properly developed). Second, as to the remaining arguments, we enforce the appeal waiver. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (*de novo* review); *United States v. Andis*, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcing waiver would not result in miscarriage of justice). Finally, having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal.

Accordingly, we dismiss the appeal and grant counsel's motion to withdraw.
