

United States Court of Appeals
For the Eighth Circuit

No. 16-4215

United States of America

Plaintiff - Appellee

v.

Said Ali

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: August 15, 2017

Filed: August 17, 2017

[Unpublished]

Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Said Ali challenges the sentence the district court¹ imposed after he pleaded guilty to a gun charge, pursuant to a written plea agreement

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

which included an appeal waiver. His counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), raising the issue that the district court erred by denying Ali's motion to suppress evidence prior to his plea. Ali has also filed a pro se supplemental brief, challenging the use of a prior attempted assault conviction as a crime of violence for the purpose of determining his base offense level.

We conclude that the appeal waiver is valid and should be enforced as to the issues on appeal, because our review of the record demonstrates that Ali entered into the plea agreement and the appeal waiver knowingly and voluntarily, see Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997); the arguments fall within the scope of the waiver; and no miscarriage of justice would result from enforcing the 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, 890-92 (8th Cir. 2003) (en banc). We have independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal.

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