

United States Court of Appeals
For the Eighth Circuit

No. 18-1566

United States of America

Plaintiff - Appellee

v.

Dewayne A. Cornelius

Defendant - Appellant

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

Submitted: December 10, 2018

Filed: December 13, 2018

[Unpublished]

Before WOLLMAN, GRUENDER, and ERICKSON, Circuit Judges.

PER CURIAM.

Dewayne Cornelius directly appeals the sentence the district court¹ imposed after he pleaded guilty to a firearm offense pursuant to a plea agreement containing

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

an appeal waiver. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court imposed a substantively unreasonable sentence.

We will enforce the appeal waiver in this case because our review of the record demonstrates that Cornelius entered into the plea agreement and the appeal waiver knowingly and voluntarily, his challenge to the sentence falls within the scope of the appeal 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, 889-92 (8th Cir. 2003) (en banc). Further, we have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no nonfrivolous issues for appeal outside the scope of the appeal waiver.

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