

United States Court of Appeals
For the Eighth Circuit

No. 22-2799

United States of America

Plaintiff - Appellee

v.

Bradwin Earl Wymore

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota

Submitted: March 16, 2023

Filed: April 27, 2023

[Unpublished]

Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Bradwin Wymore appeals the sentence imposed by the district court¹ after he pled guilty to child-exploitation offenses, pursuant to a plea agreement containing an

¹The Honorable Daniel M. Traynor, United States District Judge for the District of North Dakota.

appeal waiver. His counsel moved to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the district court's order of restitution.

Upon careful review, we conclude the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal. *See United States v. Schulte*, 436 F.3d 849, 850 (8th Cir. 2006) (reviewing de novo the validity and applicability of appeal waiver to restitution); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and it would not result in miscarriage of justice).

Further, having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.
