

United States Court of Appeals  
For the Eighth Circuit

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No. 23-1471

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United States of America

*Plaintiff - Appellee*

v.

Timothy Tywan Groce, also known as T

*Defendant - Appellant*

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

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Submitted: August 23, 2023

Filed: August 29, 2023

[Unpublished]

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Before LOKEN, COLLOTON, and KELLY, Circuit Judges.

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PER CURIAM.

Timothy Groce directly appeals the below-Guidelines-range sentence the district court<sup>1</sup> imposed after he pled guilty to drug offenses pursuant to a written plea

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

agreement containing an appeal waiver. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. 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, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice).

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

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