

United States Court of Appeals
For the Eighth Circuit

No. 23-2114

United States of America

Plaintiff - Appellee

v.

Jesyka S. Peirce

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri

Submitted: September 29, 2023

Filed: October 4, 2023

[Unpublished]

Before LOKEN, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Jesyka Peirce appeals the sentence the district court¹ imposed after she pled guilty to a drug offense. The plea came pursuant to a plea agreement in which Peirce

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

waived her right to an appeal. Her counsel has moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence.

Upon careful review, we conclude the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing validity and applicability of appeal waiver de novo); *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). We have also independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the appeal waiver. Accordingly, we dismiss the appeal based on the appeal waiver and grant counsel's motion to withdraw.
