

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1395

United States of America,

Appellee,

v.

Lonnie Ray Erickson,

Appellant.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: February 7, 2006

Filed: February 9, 2006

Before RILEY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

Lonnie Ray Erickson appeals his conviction and sentence imposed by the district court¹--after United States v. Booker, 543 U.S. 220 (2005), under advisory Guidelines--following Erickson's guilty plea to maintaining a drug house. Erickson's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967); Erickson has filed a pro se supplemental brief; and the government has moved to dismiss the appeal based on an appeal waiver.

¹The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

We enforce the appeal waiver, because Erickson confirmed at the plea hearing that his guilty plea was voluntary and knowing, the district court questioned Erickson about the decision to enter the agreement and to waive his right to appeal the covered issues, the arguments on appeal fall within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-91 (8th Cir.) (en banc), cert. denied, 540 U.S. 997 (2003).

Accordingly, we grant the government's motion and dismiss this appeal. We also grant defense counsel's motion to withdraw.
