

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-4007

United States of America,

Appellee,

v.

Kevin Wayne Evans,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

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* [UNPUBLISHED]

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Submitted: June 2, 2009

Filed: June 9, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Kevin Evans appeals the 33-month prison sentence the district court¹ imposed after he pleaded guilty to falsely making, forging, and counterfeiting federal reserve notes with intent to defraud, in violation of 18 U.S.C. § 471. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), in which she raises as potential issues whether the district court abused its discretion in denying Evans's motion for a downward departure, or imposed an unreasonable sentence.

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

Evans's written plea agreement contains a waiver of the right to appeal his sentence. We enforce the waiver, because Evans knowingly and voluntarily entered into both the plea agreement and the appeal waiver, the arguments on appeal fall within the scope of the waiver, and no miscarriage of justice would result from enforcing it. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issue for appeal beyond the scope of the appeal waiver. Accordingly, we dismiss this appeal. We also grant defense counsel's motion to withdraw.
