

United States Court of Appeals
For the Eighth Circuit

No. 16-1478

United States of America

Plaintiff - Appellee

v.

Marcus Chiles

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: December 30, 2016

Filed: January 5, 2017

[Unpublished]

Before SHEPHERD, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

Marcus Chiles appeals the sentence the district court¹ imposed after he pleaded guilty to a drug charge. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the length of the sentence.

Chiles pleaded guilty after entering into a written plea agreement containing an appeal waiver. We conclude that the appeal waiver is enforceable. 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, 890-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). Furthermore, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion, and we dismiss this appeal.

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.