

United States Court of Appeals  
For the Eighth Circuit

---

No. 16-2669

---

United States of America

*Plaintiff - Appellee*

v.

Patrick Rogers

*Defendant - Appellant*

---

Appeal from United States District Court  
for the Western District of Missouri - Kansas City

---

Submitted: February 10, 2017

Filed: February 24, 2017

[Unpublished]

---

Before COLLOTON, ARNOLD, and KELLY, Circuit Judges.

---

PER CURIAM.

Patrick Rogers directly appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to drug and firearm offenses, pursuant to a plea agreement that

---

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

contained an appeal waiver. His counsel has moved for leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 38 (1967), questioning the district court's Guidelines calculations and the reasonableness of Rogers's sentence.

Upon careful review, we conclude that the appeal waiver is 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). In addition, we have independently reviewed the record, pursuant to Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the waiver. Accordingly, we dismiss this appeal, and we grant counsel's motion for leave to withdraw.

---