

United States Court of Appeals
For the Eighth Circuit

No. 17-2062

United States of America

Plaintiff - Appellee

v.

Timothy K. Jokubeit

Defendant - Appellant

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

Submitted: March 13, 2018

Filed: March 16, 2018

[Unpublished]

Before GRUENDER, BOWMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

Timothy Jokubeit directly appeals the sentence the district court¹ imposed after he pled guilty to child pornography offenses, pursuant to a plea agreement containing

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

an appeal waiver. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging the appeal waiver.

We conclude that the appeal waiver is enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of appeal waiver is reviewed de novo). The record shows that Jokubeit entered into the plea agreement and the appeal waiver knowingly and voluntarily, the arguments on appeal fall within the scope of the waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). Finally, having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the waiver. Accordingly, we grant counsel's motion to withdraw, and we dismiss this appeal.
