

United States Court of Appeals
For the Eighth Circuit

No. 18-2391

United States of America

Plaintiff - Appellee

v.

Juan Carlos Martinez, also known as Charlie Martinez

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Waterloo

Submitted: April 17, 2019

Filed: April 23, 2019

[Unpublished]

Before ERICKSON, BOWMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Juan Carlos Martinez directly appeals the sentence the district court¹ imposed after he pled guilty to a drug offense, pursuant to a plea agreement containing an

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

appeal waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable.

We enforce the appeal waiver in this case because our review of the record demonstrates that Martinez entered into the plea agreement and the appeal waiver knowingly and voluntarily, his challenge to the sentence falls within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). Further, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the appeal waiver.

Accordingly, we grant counsel's motion to withdraw and dismiss this appeal.
