

United States Court of Appeals
For the Eighth Circuit

No. 18-3141

United States of America

Plaintiff - Appellee

v.

Carson Arcia

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: May 21, 2019

Filed: May 24, 2019

[Unpublished]

Before ERICKSON, WOLLMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Carson Arcia directly appeals after he pled guilty to production of child pornography, under a plea agreement containing an appeal waiver, and the district

court¹ sentenced him to a prison term below the calculated Guidelines range. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the reasonableness of Arcia's sentence. The government has filed a motion to dismiss the appeal based on the appeal waiver.

Upon careful de novo review, we conclude that the appeal waiver is valid, enforceable, and applicable to 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). We have also independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), and there are no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant the government's motion, dismiss this appeal based on the appeal waiver, and grant counsel leave to withdraw.

¹The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas.