

United States Court of Appeals
For the Eighth Circuit

No. 18-1602

United States of America

Plaintiff - Appellee

v.

Yovanny Aroldo Mendivil-Balderrama

Defendant - Appellant

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

Submitted: June 21, 2019

Filed: July 3, 2019

[Unpublished]

Before KELLY, BOWMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Yovanny Mendivil-Balderrama directly appeals after he pleaded guilty in the district court¹ to drug and firearm offenses, pursuant to a plea agreement containing

¹The Honorable Roseann A. Ketchmark, 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), suggesting that the district court imposed a substantively unreasonable sentence.

We conclude that the appeal waiver is valid, applicable, and enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waivers); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver should 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). Furthermore, 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 appeal waiver. Accordingly, we grant counsel's motion, and we dismiss this appeal.
