

United States Court of Appeals
For the Eighth Circuit

No. 19-1974

United States of America

Plaintiff - Appellee

v.

Russell Hibbert

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 30, 2020

Filed: February 12, 2020

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Russell Hibbert appeals the district court's¹ denial of the pro se postjudgment motion he filed in his criminal case to offset his restitution balance, after he pleaded

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

guilty to conspiring to commit wire fraud under a plea agreement containing a waiver of his appeal and post-conviction rights.

Upon careful review, we conclude that the waiver is valid, enforceable, and applicable to the issue raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of an appeal waiver is reviewed de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). Accordingly, we dismiss this appeal based on the appeal waiver.
