

United States Court of Appeals
For the Eighth Circuit

No. 19-2362

United States of America

Plaintiff - Appellee

v.

Joseph Bradshaw

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Rapid City

Submitted: February 21, 2020

Filed: February 27, 2020

[Unpublished]

Before LOKEN, BEAM, and COLLOTON, Circuit Judges.

PER CURIAM.

Joseph Bradshaw appeals after he pleaded guilty to conspiring to distribute methamphetamine under a plea agreement containing an appeal waiver, and the

district court¹ sentenced him to a within-Guidelines prison term. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the sentence.

After 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) (reviewing de novo the validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (holding that appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcement would not result in miscarriage of justice).

Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we dismiss this appeal, and we grant counsel's motion to withdraw.

¹The Honorable Jeffrey L. Viken, United States District Judge for the District of South Dakota, adopting the report and recommendation of the Honorable Daneta Wollmann, United States Magistrate Judge for the District of South Dakota.