

United States Court of Appeals
For the Eighth Circuit

No. 19-3110

United States of America

Plaintiff - Appellee

v.

Dijon T. Dixon

Defendant - Appellant

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

Submitted: May 4, 2020

Filed: May 7, 2020

[Unpublished]

Before COLLOTON, BEAM, and KOBES, Circuit Judges.

PER CURIAM.

Dijon Dixon appeals the sentence the district court¹ imposed after he pleaded guilty to a firearm offense, pursuant to a binding plea agreement containing an appeal

¹The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.

waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

We conclude that Dixon's appeal of his sentence is foreclosed by the appeal waiver. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). As to the potential claims of ineffective assistance of counsel and prosecutorial misconduct that counsel also discusses in the Anders brief, Dixon has not identified any support in the record for a claim of prosecutorial misconduct, and we defer any claims of ineffective assistance of counsel for collateral proceedings. See United States v. McAdory, 501 F.3d 868, 872 (8th Cir. 2007) (this court ordinarily defers ineffective-assistance claims to 28 U.S.C. § 2255 proceedings).

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