

United States Court of Appeals
For the Eighth Circuit

No. 19-2977

United States of America

Plaintiff - Appellee

v.

Marcus L. Wilkins

Defendant - Appellant

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

Submitted: August 26, 2020

Filed: August 28, 2020

[Unpublished]

Before COLLOTON, WOLLMAN, and BENTON, Circuit Judges.

PER CURIAM.

Marcus L. Wilkins appeals the sentence the district court¹ imposed after he pled guilty to drug and firearm offenses, pursuant to a plea agreement containing an appeal

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

waiver. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence. Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal based on the appeal waiver.

This court concludes that the appeal 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). This court has also independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), and has found no non-frivolous issues for appeal falling outside the scope of the waiver.

The appeal is dismissed, and counsel's motion to withdraw is granted.
