

United States Court of Appeals
For the Eighth Circuit

No. 20-2446

United States of America

Plaintiff - Appellee

v.

Trayvon J. Brown

Defendant - Appellant

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

Submitted: January 27, 2021

Filed: February 1, 2021

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Trayvon J. Brown appeals the sentence the district court¹ imposed after he pled guilty to being a felon in possession of a firearm, pursuant to a plea agreement

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

containing an appeal waiver. Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal based on the appeal waiver.

Counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), acknowledging the appeal waiver, but challenging the sentence as unreasonable. This court concludes that the appeal waiver is enforceable, as counsel's argument falls within the scope of the appeal waiver, the record shows that Brown entered into the plea agreement and the appeal waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcing waiver would not result in miscarriage of justice); see also 18 U.S.C. §§ 924(a)(2) (maximum prison sentence is 120 months), 3584(a) (multiple terms of imprisonment imposed at different times are consecutive unless district court orders them concurrent).

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

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