

United States Court of Appeals
For the Eighth Circuit

No. 20-2773

United States of America,

Plaintiff - Appellee,

v.

Leng Lee,

Defendant - Appellant.

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

Submitted: March 4, 2021

Filed: March 12, 2021

[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Leng Lee appeals the sentence imposed by the district court¹ after he pleaded guilty to firearm offenses under a plea agreement that contained an appeal waiver.

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

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 and suggesting trial counsel was ineffective. The court granted Lee permission to file a *pro se* supplemental brief, but he did not file one.

We will enforce the appeal waiver in this case because Lee entered into the plea agreement and the appeal waiver knowingly and voluntarily, his challenge to the sentence falls within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

We have also independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.
