

United States Court of Appeals
For the Eighth Circuit

No. 21-1557

United States of America

Plaintiff - Appellee

v.

Richard Alan Huff

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Western

Submitted: August 20, 2021

Filed: August 25, 2021

[Unpublished]

Before BENTON, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Richard Huff appeals the sentence the district court¹ imposed after he pled guilty to a drug offense, pursuant to a plea agreement containing an appeal waiver.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

His counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the sentence, and has moved to withdraw.

We conclude 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) (this court reviews de novo validity and applicability of appeal waiver); 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 plea agreement and waiver, and enforcing waiver would not result in a miscarriage of justice).

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 to withdraw, and we dismiss the appeal.
