

United States Court of Appeals
For the Eighth Circuit

No. 21-2387

United States of America

Plaintiff - Appellee

v.

Mario R. Garmoo

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota - Western

Submitted: December 23, 2021

Filed: December 29, 2021

[Unpublished]

Before BENTON, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Mario Garmoo appeals the sentence the district court¹ imposed after he pleaded guilty to drug offenses pursuant to a plea agreement containing an appeal waiver. His

¹The Honorable Daniel M. Traynor, United States District Judge for the District of North Dakota.

counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of Garmoo's sentence. Upon careful review, 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) (de novo review of 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 miscarriage of justice).

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 falling outside the scope of the waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.
