

United States Court of Appeals  
For the Eighth Circuit

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No. 22-1535

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United States of America,

*Plaintiff - Appellee,*

v.

Nickolas Trent Lamm,

*Defendant - Appellant.*

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Appeal from United States District Court  
for the District of South Dakota - Southern

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Submitted: August 5, 2022

Filed: August 15, 2022

[Unpublished]

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Before LOKEN, COLLOTON, and ERICKSON, Circuit Judges.

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PER CURIAM.

Nickolas Lamm appeals the sentence imposed by the district court<sup>1</sup> after he pleaded guilty to a drug offense under a plea agreement containing an appeal waiver.

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<sup>1</sup>The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

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.

We will enforce the appeal waiver because Lamm's appeal waiver was made 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). Further, we have independently reviewed the record under *Penon 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.

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