

United States Court of Appeals  
For the Eighth Circuit

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No. 22-1725

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United States of America

*Plaintiff - Appellee*

v.

Luis Ortiz Rodriguez

*Defendant - Appellant*

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

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Submitted: August 2, 2022

Filed: August 5, 2022

[Unpublished]

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Before GRUENDER, MELLOY, and KOBES, Circuit Judges.

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PER CURIAM.

Luis Ortiz Rodriguez appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to drug and firearm offenses, pursuant to a plea agreement containing

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<sup>1</sup>The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

an appeal waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the prison sentence on the drug conviction and raising claims of ineffective assistance of counsel.

Upon de novo review, we conclude the appeal waiver is valid, enforceable, and applicable to the sentencing issues raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review). Rodriguez's arguments fall within the scope of the waiver, the record shows he entered into the plea agreement and waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc); Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997). We will not review Rodriguez's claims of ineffective assistance of counsel on direct appeal. See United States v. Ramirez-Hernandez, 449 F.3d 824, 827 (8th Cir. 2006). Finally, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for review outside the scope of the appeal waiver.

Accordingly, we dismiss the appeal and grant counsel's motion to withdraw.

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