

United States Court of Appeals
For the Eighth Circuit

No. 22-1753

United States of America

Plaintiff - Appellee

v.

James Mitchell

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: August 16, 2022

Filed: August 22, 2022

[Unpublished]

Before LOKEN, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

James Mitchell appeals the sentence imposed by the district court¹ after he pleaded guilty to a drug offense, pursuant to a plea agreement that includes an appeal

¹The Honorable John M. Gerrard, United States District Judge for the District of Nebraska.

waiver. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the sentencing issue raised in this appeal. 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 grant counsel's motion to withdraw, and we dismiss the appeal.
