

United States Court of Appeals  
For the Eighth Circuit

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No. 22-2271

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United States of America

*Plaintiff - Appellee*

v.

Jalen Dior Lewis, also known as Jalen Dio Lewis

*Defendant - Appellant*

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

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Submitted: October 19, 2022

Filed: October 24, 2022

[Unpublished]

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Before ERICKSON, GRASZ, and STRAS, Circuit Judges.

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PER CURIAM.

Jalen Dior Lewis appeals the above-Guidelines-range sentence the district court<sup>1</sup> imposed after he pled guilty to being a felon in possession of a firearm,

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<sup>1</sup>The Honorable Greg Kays, United States District Judge for the Western District of Missouri.

pursuant to a plea agreement containing an appeal waiver. His counsel moved to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the substantive reasonableness of Lewis's sentence. Lewis filed a pro se brief challenging the reasonableness of his sentence and asserting counsel was ineffective.

We decline to consider Lewis's ineffective-assistance claims on direct appeal. *See United States v. Hernandez*, 281 F.3d 746, 749 (8th Cir. 2002) (noting an ineffective-assistance claim is generally not cognizable on direct appeal but properly raised under 28 U.S.C. § 2255). We also conclude the appeal waiver is valid, enforceable, and applicable to Lewis's challenge to his sentence. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing de novo the validity and applicability of an appeal waiver); *United States v. Andis*, 333 F.3d 886, 889–92 (8th Cir. 2013) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and it would not result in miscarriage of justice).

Further, having independently reviewed the record under *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 leave to withdraw and dismiss this appeal.

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