

United States Court of Appeals
For the Eighth Circuit

No. 23-1418

United States of America,

Plaintiff - Appellee,

v.

Daniel Espinoza Valle,

Defendant - Appellant.

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: May 16, 2023

Filed: May 19, 2023

[Unpublished]

Before COLLOTON, ERICKSON, and KOBES, Circuit Judges.

PER CURIAM.

Daniel Espinoza Valle appeals the judgment in his criminal case. Valle pleaded guilty to a drug trafficking offense and a charge of carrying a firearm during

and relation to the drug offense. The district court¹ imposed a total sentence of 180 months. Valle's counsel has moved to withdraw, and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), raising the issue of whether the district court erred in denying Valle's motion to suppress.

Valle's plea agreement included a waiver of the right to appeal. On careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. *See United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

We have 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 grant counsel's motion to withdraw.

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.