

United States Court of Appeals
For the Eighth Circuit

No. 23-1337

United States of America

Plaintiff - Appellee

v.

Delmonte M. Wilson

Defendant - Appellant

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

Submitted: August 2, 2023

Filed: August 15, 2023

[Unpublished]

Before GRUENDER, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Delmonte Wilson appeals the sentence the district court¹ imposed after he pled guilty to a firearm offense. The plea came pursuant to a plea agreement in which

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

Wilson waived his right to an appeal. His counsel has moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing validity and applicability of appeal waiver de novo); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (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). 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 falling outside the scope of the appeal waiver. Accordingly, we dismiss the appeal based on the appeal waiver and grant counsel's motion to withdraw.
