

United States Court of Appeals
For the Eighth Circuit

No. 23-2456

United States of America

Plaintiff - Appellee

v.

Joshua George Powell, Sr.

Defendant - Appellant

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

Submitted: November 7, 2023

Filed: November 29, 2023

[Unpublished]

Before ERICKSON, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Joshua Powell appeals the sentence the district court¹ imposed after he pled guilty to a drug offense. The plea came pursuant to a plea agreement in which Powell

¹The Honorable Stephen H. Locher, United States District Judge for the Southern District of Iowa.

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 substantive reasonableness of the sentence.

Upon careful review, we conclude the appeal is valid, enforceable, and applicable to the issue 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.
