

United States Court of Appeals
For the Eighth Circuit

No. 23-2529

United States of America

Plaintiff - Appellee

v.

Miqueal Harwell

Defendant - Appellant

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

Submitted: November 27, 2023

Filed: November 30, 2023

[Unpublished]

Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Miqueal Harwell appeals the district court's¹ denial of his motion to suppress evidence after he pled guilty to a firearm offense, pursuant to a plea agreement that includes an appeal waiver. His counsel moved to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967).

Upon careful review, we conclude the appeal waiver 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 (1998), and 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.

¹The Honorable Stephen R. Clark, Chief Judge, United States District Court for the Eastern District of Missouri, adopting the Report and Recommendation of the Honorable Noelle C. Collins, United States Magistrate Judge for the Eastern District of Missouri.