

United States Court of Appeals
For the Eighth Circuit

No. 23-2622

United States of America,

Plaintiff - Appellee,

v.

Roderick L. Stewart,

Defendant - Appellant.

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

Submitted: November 22, 2023

Filed: November 30, 2023

[Unpublished]

Before COLLOTON, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Roderick Stewart appeals the judgment in his criminal case. Stewart pleaded guilty to a drug offense pursuant to a plea agreement that contained an appeal waiver,

and the district court¹ imposed a sentence of 155 months in prison. Stewart's counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), questioning whether the appeal waiver is valid and whether the sentence was reasonable. In a pro se brief, Stewart primarily claims he was denied effective assistance of counsel.

On de novo review, we will enforce the appeal waiver. Stewart knowingly and voluntarily entered into the plea agreement; a challenge to his sentence falls within the scope of the waiver; and no miscarriage of justice would result from enforcing the appeal waiver. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc); *Nguyen v. United States*, 114 F.3d 699, 703 (8th Cir. 1997). Although the appeal waiver does not prohibit ineffective-assistance claims, we decline to consider such claims on direct appeal without an adequately developed record. See *United States v. Ramirez-Hernandez*, 449 F.3d 824, 827 (8th Cir. 2006).

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 we grant counsel's motion to withdraw.

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.