

United States Court of Appeals
For the Eighth Circuit

No. 23-2685

United States of America

Plaintiff - Appellee

v.

Kentrez Robinson

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 31, 2023

Filed: November 3, 2023

[Unpublished]

Before BENTON, KELLY, and STRAS, Circuit Judges.

PER CURIAM.

Kentrez Robinson appeals the below-Guidelines-range sentence the district court¹ imposed after he pled guilty to firearm offenses pursuant to a written plea

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

agreement containing an appeal waiver. Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal based on the appeal waiver.

Counsel has moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the enforceability of the appeal waiver and the substantive reasonableness of the sentence. This court concludes that the appeal waiver is enforceable. Counsel's argument falls within the scope of the appeal waiver, the record shows that Robinson entered into the plea agreement and the appeal waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcing waiver would not result in miscarriage of justice; allegation that sentencing court abused discretion not subject to appeal in face of valid appeal waiver).

This court has reviewed the record independently under *Penon v. Ohio*, 488 U.S. 75 (1988), and found no non-frivolous issues for appeal outside the scope of the appeal waiver.

The appeal is dismissed. Counsel's motion to withdraw is granted.
