

United States Court of Appeals
For the Eighth Circuit

No. 23-3090

United States of America,

Plaintiff - Appellee,

v.

Joshua Humbach,

Defendant - Appellant.

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: February 28, 2024

Filed: March 8, 2024

[Unpublished]

Before COLLOTON, KELLY, and GRASZ, Circuit Judges.

PER CURIAM.

Joshua Humbach appeals a sentence imposed by the district court¹ after he pleaded guilty to unlawful possession of a firearm as a felon. Humbach signed a plea

¹The Honorable C.J. Williams, Chief Judge, United States District Court for the Northern District of Iowa.

agreement that contained an appeal waiver. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence.

On de novo review, we will enforce the appeal waiver. Humbach knowingly and voluntarily entered into the plea agreement. A challenge to his sentence falls within the scope of the appeal waiver. 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).

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 appeal waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and grant counsel's motion to withdraw.
