

United States Court of Appeals
For the Eighth Circuit

No. 23-3567

United States of America

Plaintiff - Appellee

v.

Carl Crooked Eyes

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: March 12, 2024

Filed: March 15, 2024

[Unpublished]

Before BENTON, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Carl Crooked Eyes received a 16-month prison sentence after he pleaded guilty to assaulting a federal officer. *See* 18 U.S.C. § 111(a)(1). An *Anders* brief

suggests that the district court¹ abused its discretion by imposing a substantively unreasonable sentence. *See Anders v. California*, 386 U.S. 738 (1967).

Upon careful review, we conclude that the appeal waiver in his plea agreement covers this issue. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing the validity of an appeal waiver de novo); *United States v. Andis*, 333 F.3d 886, 889–92 (8th Cir. 2003) (en banc) (explaining that an appeal waiver will be enforced if the appeal falls within its scope, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). We have also independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75, 82–83 (1988). We accordingly dismiss the appeal and grant counsel permission to withdraw.

¹The Honorable Roberto Lange, Chief Judge, United States District Court for the District of South Dakota.