

United States Court of Appeals
For the Eighth Circuit

No. 23-2929

United States of America

Plaintiff - Appellee

v.

Douglas Antonio Lee, also known as Tonio

Defendant - Appellant

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

Submitted: March 28, 2024

Filed: April 8, 2024

[Unpublished]

Before SHEPHERD, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Douglas Antonio Lee appeals the sentence the district court¹ imposed after he pleaded guilty to drug and firearm offenses pursuant to a plea agreement containing

¹The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

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.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); 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 plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant counsel's motion to withdraw and dismiss this appeal.
