

United States Court of Appeals
For the Eighth Circuit

No. 23-3508

United States of America

Plaintiff - Appellee

v.

Darius Dokun Oluwadami Balogun

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: April 5, 2024

Filed: April 10, 2024

[Unpublished]

Before GRUENDER, ERICKSON, and KOBES, Circuit Judges.

PER CURIAM.

Darius Balogun appeals the sentence the district court¹ imposed after he pleaded guilty to a drug conspiracy offense pursuant to a plea agreement containing

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota.

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 the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing de novo the validity and applicability of an appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in a miscarriage of justice).

Further, we have independently reviewed the record under Penon 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.
