

United States Court of Appeals
For the Eighth Circuit

No. 23-3499

United States of America

Plaintiff - Appellee

v.

Brendon Darnell Thomas

Defendant - Appellant

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

Submitted: May 14, 2024

Filed: May 17, 2024

[Unpublished]

Before SMITH, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Brendon Darnell Thomas appeals after he pled guilty to a drug conspiracy charge, pursuant to a written plea agreement containing an appeal waiver, and the

district court¹ imposed a below-Guidelines sentence. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

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 the validity and applicability of an appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and waiver, and enforcing the waiver would not result in a 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.

¹The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri.