

United States Court of Appeals
For the Eighth Circuit

No. 23-3555

United States of America

Plaintiff - Appellee

v.

Jeffrey Prowant, also known as Jeffery W. Prowant

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri

Submitted: June 21, 2024

Filed: June 27, 2024

[Unpublished]

Before BENTON, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

Jeffrey Prowant appeals the sentence the district court¹ imposed after he pled guilty to sexual exploitation of a child. The plea came pursuant to a plea agreement

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

in which Prowant waived his right to an appeal. His counsel has moved for leave to withdraw and 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 validity and applicability of appeal waiver de novo); *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 it would not result in miscarriage of justice). We have also 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 the appeal based on the appeal waiver and grant counsel's motion to withdraw.
