

United States Court of Appeals
For the Eighth Circuit

No. 24-1486

United States of America

Plaintiff - Appellee

v.

DeJuan Lamarr Howard

Defendant - Appellant

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

Submitted: August 5, 2024

Filed: August 8, 2024

[Unpublished]

Before KELLY, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

DeJuan Howard pleaded guilty to drug and firearm offenses pursuant to a plea agreement containing an appeal waiver. He now appeals the sentence imposed by the

district court.¹ 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) (noting that we review validity and applicability of appeal waiver de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (stating that 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.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.