

United States Court of Appeals
For the Eighth Circuit

No. 24-1229

United States of America

Plaintiff - Appellee

v.

Jerrell Haynes

Defendant - Appellant

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

Submitted: September 3, 2024

Filed: September 6, 2024

[Unpublished]

Before LOKEN, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Jerrell Haynes appeals the sentence the district court¹ imposed after he pled guilty to firearm offenses pursuant to a plea agreement containing an appeal waiver.

¹The Honorable Sarah E. Pitlyk, United States District Judge for the Eastern District of Missouri.

Having jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal based on the appeal waiver.

Counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), seeking leave to withdraw, acknowledging the appeal waiver, and discussing Haynes's challenge to his sentence. This court concludes that the appeal waiver is enforceable as to Haynes's challenge to his sentence. The issue identified by counsel falls within the scope of the appeal waiver, the record shows that Haynes entered into the plea agreement and the appeal waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); *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 a miscarriage of justice).

This court has reviewed the record independently under *Penon v. Ohio*, 488 U.S. 75 (1988), and has found no non-frivolous issues outside the scope of the appeal waiver.

The appeal is dismissed and counsel's request to withdraw is granted.
