

United States Court of Appeals
For the Eighth Circuit

No. 24-1985

United States of America

Plaintiff - Appellee

v.

Julian Fuentes

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: September 20, 2024

Filed: September 25, 2024

[Unpublished]

Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Julian Fuentes appeals after he pleaded guilty to conspiring to distribute methamphetamine pursuant to a plea agreement that includes an appeal waiver. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386

U.S. 738 (1967), arguing that the district court¹ erred by applying a leadership enhancement.

Upon careful review, we conclude that 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); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). To the extent Fuentes intended to raise an ineffective-assistance-of-counsel claim, we decline to consider it because the record is not adequately developed. See United States v. Ramirez-Hernandez, 449 F.3d 824, 826-27 (8th Cir. 2006). 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 outside the scope of the appeal waiver. Accordingly, we grant counsel's motion to withdraw, and we dismiss the appeal.

¹The Honorable Roberto Lange, Chief Judge, United States District Court for the District of South Dakota.