

United States Court of Appeals
For the Eighth Circuit

No. 24-2311

United States of America

Plaintiff - Appellee

v.

Keith A. Clevenger

Defendant - Appellant

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

Submitted: November 5, 2024

Filed: November 8, 2024

[Unpublished]

Before BENTON, SHEPHERD, and KELLY, Circuit Judges.

PER CURIAM.

Keith Clevenger appeals the sentence the district court¹ imposed after he pled guilty to conspiracy to distribute a controlled substance pursuant to a plea agreement

¹The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.

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

Counsel moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), acknowledging the appeal waiver but challenging the sentence as substantively unreasonable. Upon careful review, this court concludes that the appeal waiver is enforceable, the issue identified by counsel falls within the scope of the appeal waiver, the record shows that Clevenger 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 miscarriage of justice).

Having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), this court finds no non-frivolous issues outside the scope of the appeal waiver.

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