United States Court of Appeals
For the Eighth Circuit

No. 24-1947

United States of America

Plaintiff - Appellee

v.

Juan Pedro Alapisco-Ochoa

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: December 3, 2024
Filed: December 6, 2024
[Unpublished]

Before BENTON, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Juan Alapisco-Ochoa appeals after he pled guilty to a drug conspiracy charge pursuant to a written plea agreement containing an appeal waiver, and the district

court[1] imposed a within-Guidelines-range sentence. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning whether the district court should have permitted Alapisco-Ochoa to withdraw his plea and granted his request for an interpreter.

Upon careful review, we conclude any issues on appeal pertaining to the voluntariness of Alapisco-Ochoa's guilty plea fall outside the scope of the appeal waiver. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver). We further conclude that the record establishes the plea was voluntary, such that the district court did not abuse its discretion in declining to permit Alapisco-Ochoa to withdraw his plea, see United States v. Green, 521 F.3d 929, 931 (8th Cir. 2008) (standard of review); United States v. Berrier, 110 F.4th 1104, 1113 (8th Cir. 2024) (allegations contradicting defendant's statements at plea hearing are inherently unreliable); or in denying his request for an interpreter, see United States v. Nguyen, 526 F.3d 1129, 1134–35 (8th Cir. 2008) (granting trial court wide discretion to consider indices of English proficiency to determine whether defendant is entitled to interpreter).

We have independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel's motion to withdraw.

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[1]The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.