

United States Court of Appeals
For the Eighth Circuit

No. 24-2126

United States of America

Plaintiff - Appellee

v.

Justina Lynn Costa, also known as Justina Snow

Defendant - Appellant

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

Submitted: December 23, 2024

Filed: December 30, 2024

[Unpublished]

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Justina Costa appeals the district court's¹ denial of her motion to suppress evidence after she pleaded guilty to a drug offense pursuant to a plea agreement

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

containing an appeal waiver. Her counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

Upon careful review, we conclude that Ms. Costa's valid and unconditional guilty plea foreclosed any challenge to the denial of the suppression motion, a non-jurisdictional issue. See United States v. Limley, 510 F.3d 825, 827 (8th Cir. 2007). 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.
