

United States Court of Appeals
For the Eighth Circuit

No. 24-2899

United States of America

Plaintiff - Appellee

v.

Lyndale E. Watson, also known as Red, also known as Blood, also known as Stoni
Blud

Defendant - Appellant

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

Submitted: March 31, 2025
Filed: April 3, 2025
[Unpublished]

Before GRUENDER, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Lyndale Watson received a 217-month prison sentence after pleading guilty to attempted robbery and firearms offenses. See 18 U.S.C. §§ 924(c)(1)(A)(iii); 1951(a). In a plea agreement, he waived his right to appeal his sentence. He appeals

after the district court¹ vacated one count of conviction and resentenced him to 217 months in prison. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence. Watson has filed a pro se brief challenging the district court's calculations under the United States Sentencing Guidelines on resentencing, as well as a motion for the appointment of new counsel.

Upon careful review, we conclude the appeal waiver is enforceable and covers these issues. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing the validity of an appeal waiver de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (explaining that an appeal waiver will be enforced if the appeal falls within its scope, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice); see also United States v. Cooney, 875 F.3d 414, 416-17 (8th Cir. 2017) (concluding voluntary appeal waiver bars appeal after resentencing). We have also independently reviewed the record and conclude that no other non-frivolous issues exist. See Penson v. Ohio, 488 U.S. 75 (1988). Accordingly, we deny the motion for the appointment of new counsel, grant counsel leave to withdraw, and dismiss the appeal.

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.