

United States Court of Appeals
For the Eighth Circuit

No. 24-3488

United States of America

Plaintiff - Appellee

v.

Charles Cane Merrival, also known as Charles Merrival

Defendant - Appellant

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

Submitted: June 30, 2025

Filed: July 3, 2025

[Unpublished]

Before SHEPHERD, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Charles Merrival appeals the sentence imposed by the district court¹ after he pled guilty to a drug offense pursuant to a written plea agreement containing an

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

appeal waiver. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967).

Upon careful review, we conclude that the appeal waiver is valid, applicable, and enforceable. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing validity and applicability of appeal waiver de novo); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and it would not result in miscarriage of justice). 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 falling outside the scope of the appeal waiver. Accordingly, we dismiss the appeal based on the appeal waiver and grant counsel's motion to withdraw.
