

United States Court of Appeals
For the Eighth Circuit

No. 25-1539

United States of America

Plaintiff - Appellee

v.

November D. Gardner, also known as October, also known as Nuttie

Defendant - Appellant

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

Submitted: October 7, 2025

Filed: October 10, 2025

[Unpublished]

Before SMITH, GRUENDER, and STRAS, Circuit Judges.

PER CURIAM.

November Gardner appeals the sentence imposed by the district court¹ after he
pled guilty to drug conspiracy and firearm offenses pursuant to a plea agreement

¹The Honorable David Gregory Kays, United States District Judge for the
Western District of Missouri.

containing an appeal waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging enhancements included in the calculation of his Guidelines imprisonment range, as well as the substantive reasonableness of the sentence.

We conclude that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing de novo validity and applicability of appeal waiver); 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 enforcing waiver would not result in miscarriage of justice).

Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant counsel leave to withdraw and dismiss this appeal.
