

United States Court of Appeals
For the Eighth Circuit

No. 25-2802

United States of America

Plaintiff - Appellee

v.

Antonio Harris

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: February 2, 2026

Filed: February 5, 2026

[Unpublished]

Before BENTON, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Antonio Harris appeals after he pleaded guilty to firearm offenses and the district court¹ imposed a below-Guidelines-range sentence. Counsel has moved for

¹The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.

leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging an appeal waiver in the plea agreement, and challenging the voluntariness of Harris's plea and his conviction under 18 U.S.C. § 924(c). Harris has filed a pro se brief challenging his counsel's effectiveness and the Guidelines calculations, and asserting he was a victim of selective prosecution.

We decline to consider Harris's ineffective-assistance-of-counsel claim on direct appeal. See United States v. Hernandez, 281 F.3d 746, 749 (8th Cir. 2002) (generally, ineffective-assistance claim is not cognizable on direct appeal); United States v. Ramirez-Hernandez, 449 F.3d 824, 826-27 (8th Cir. 2006) (ineffective-assistance claims are usually best raised in collateral proceedings where record can be properly developed). Upon careful review, we conclude that the record shows Harris entered into the plea agreement and appeal waiver knowingly and voluntarily, and that the appeal waiver is valid, enforceable, and applicable to the remaining issues raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of an appeal waiver is reviewed de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if the appeal falls within the scope of the waiver, 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 Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997) (defendant's representations during plea-taking carry strong presumption of verity).

We have 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 waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and grant the motion to withdraw.
