

United States Court of Appeals  
For the Eighth Circuit

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No. 25-2921

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United States of America

*Plaintiff - Appellee*

v.

Heath Choal

*Defendant - Appellant*

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

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Submitted: May 1, 2026

Filed: May 6, 2026

[Unpublished]

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Before LOKEN, SMITH, and BENTON, Circuit Judges.

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PER CURIAM.

Heath Choal appeals the sentence imposed by the district court<sup>1</sup> after he pled guilty to a drug offense pursuant to a plea agreement containing an appeal waiver. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v.*

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<sup>1</sup>The Honorable Eric C. Schulte, United States District Judge for the District of South Dakota.

*California*, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Upon careful review, this court concludes 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) (standard of review); *United States v. Andis*, 333 F.3d 886, 889–92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within waiver’s scope, 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 *Penon v. Ohio*, 488 U.S. 75 (1988), this court finds no non-frivolous issues for appeal outside the scope of the appeal waiver.

The judgment is affirmed, and counsel’s motion to withdraw is granted.

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