

United States Court of Appeals
For the Eighth Circuit

No. 25-3056

United States of America

Plaintiff - Appellee

v.

Kamel Elburki

Defendant - Appellant

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

Submitted: July 17, 2026

Filed: July 22, 2026

[Unpublished]

Before GRUENDER, SHEPHERD, and JUSTIN D. SMITH, Circuit Judges.

PER CURIAM.

Kamel Elburki appeals after he pleaded guilty, pursuant to a plea agreement containing an appeal waiver, to drug and money laundering offenses. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386

U.S. 738 (1967), arguing that the district court¹ imposed a substantively unreasonable sentence. Elburki has filed a pro se brief challenging the voluntariness of his plea.

We conclude that the appeal waiver is valid, enforceable, and applicable to Elburki's sentencing challenge. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of 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 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). To the extent Elburki wishes to withdraw his guilty plea, he may not obtain that relief because he did not move to withdraw his plea below. See United States v. Foy, 617 F.3d 1029, 1033-34 (8th Cir. 2010).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues outside the scope of the appeal waiver. Accordingly, we grant counsel's motion to withdraw, and dismiss this appeal.

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.