

United States Court of Appeals
For the Eighth Circuit

No. 26-1859

United States of America

Plaintiff - Appellee

v.

Ezell Cordero Lucas, also known as Cash

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: September 8, 2026

Filed: September 11, 2026

[Unpublished]

Before LOKEN, KELLY, and JUSTIN D. SMITH, Circuit Judges.

PER CURIAM.

Ezell Lucas appeals the sentence imposed by the district court¹ after he pled guilty to a drug offense pursuant to a plea agreement containing an appeal waiver.

¹The Honorable Eric C. Tostrud, Chief Judge, United States District Court for the District of Minnesota.

His counsel has moved for leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence. In a pro se supplement, Lucas challenges an aspect of the Guidelines calculation and suggests that counsel provided ineffective assistance.

We conclude that any challenge to the effectiveness of counsel is more appropriate for collateral review and thus decline to consider it on appeal. See United States v. Ramirez-Hernandez, 449 F.3d 824, 826-27 (8th Cir. 2006) (claims of ineffective assistance are usually best litigated in collateral proceedings where record can be properly developed). We further determine, after careful review, that the appeal waiver is valid, enforceable, and applicable to the other 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). No miscarriage of justice will result from enforcing the waiver. See Hunter v. United States, 146 S. Ct. 1702, 1713-14 (2026) (miscarriage-of-justice exception is “high bar” reserved for “extreme cases”).

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