

United States Court of Appeals
For the Eighth Circuit

No. 25-1813

United States of America

Plaintiff - Appellee

v.

Robert J. Manley, Jr.

Defendant - Appellant

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

Submitted: April 16, 2026

Filed: October 7, 2026

[Published]

Before KELLY, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Robert J. Manley, Jr., pleaded guilty to conspiracy to distribute and possess with intent to distribute cocaine and fentanyl in violation of 21 U.S.C. §§ 841(a)(1),

(b)(1)(C), and 846, and the district court¹ imposed a 114-month sentence. On appeal, Manley alleges two errors that he believes warrant resentencing.

Manley pleaded guilty pursuant to a plea agreement that included an appeal waiver, so we first must determine whether Manley’s appeal survives the waiver. To do so, we “review the waiver to confirm that the attempted appeal falls within its scope and that the defendant entered both the plea agreement and the waiver knowingly and voluntarily.” United States v. Williams, 81 F.4th 835, 839 (8th Cir. 2023) (citing United States v. Andis, 333 F.3d 886, 889–90 (8th Cir. 2003) (en banc)). “Yet even then, we will not enforce the waiver if doing so would result in a miscarriage of justice.” Id. Our review is de novo. Id.

Manley makes no argument that he did not enter his plea agreement and appeal waiver knowingly and voluntarily. As to the scope of the waiver, the relevant portion reads as follows: “The defendant expressly waives his right to appeal [a finding of guilt or] his sentence . . . on any ground except claims of (1) ineffective assistance of counsel; (2) prosecutorial misconduct; or (3) an illegal sentence.” Manley does not rely on any of the three exceptions in support of his appeal, and he does not argue that the issues he raises fall outside the scope of the waiver.²

We turn, then, to whether enforcing the appeal waiver would result in a miscarriage of justice. See Hunter v. United States, 608 U.S. 713, 727 (2026) (“[A]n appeal waiver is unenforceable when it would result in a miscarriage of justice.”). The waiver is unenforceable only if the error is “obvious” and is “of the type that would undermine public confidence in the judiciary.” Id. But “standard-fare errors in misapplying sentencing law cannot cancel an appeal waiver.” Id.

¹The Honorable Brian C. Wimes, then United States District Judge for the Western District of Missouri, now Chief Judge.

²Manley expressly disavows that he is asserting a claim of prosecutorial misconduct on appeal.

Manley's first claim is that the government agreed via email "before the plea agreement was signed that a guideline sentence would be acceptable," and that its subsequent request for an upward variance at sentencing violated that agreement. But the parties' later-signed plea agreement unambiguously stated, "The parties are free to request any sentence that is authorized by law, including a sentence that represents a variance from, or departs from, the applicable Sentencing Guidelines range." Manley conceded at sentencing that "the government, under th[e] plea agreement, ha[d] the right to ask for [a] variance," and he does not contend otherwise on appeal. Given this explicit authorization, applying the appeal waiver to this claim does not result in a miscarriage of justice.

Manley's second claim concerns the stipulation the parties reached—after the plea agreement was signed but before sentencing—addressing which adjustments under the Sentencing Guidelines should apply and which should not. At sentencing, the district court adopted the parties' stipulation, resulting in an agreed-upon Guidelines range of 87–108 months. After hearing arguments from counsel for the government and for Manley, the district court imposed a sentence of 114 months.

In support of his argument on this claim, Manley explains that he withdrew his objections to the Presentence Investigation Report (PSR)—including objections to facts—in exchange for the stipulation that certain Guidelines enhancements would not apply. He now contends that the government should not have been permitted to rely on any of the facts cited in the PSR to which he had initially objected when it argued for an upward variance without proving those facts at sentencing. As we read Manley's argument, he views those facts to be off limits for the court's consideration when fashioning an appropriate sentence pursuant to 18 U.S.C. § 3553(a). But Manley withdrew the objections, and he stated at sentencing it was his "position that anything that involved Mr. Manley can be considered by the Court." In addition, the record reflects that the district court honored the parties' stipulation regarding the calculation of the advisory Guidelines range—a condition Manley placed on the withdrawal of his objections. On this record, we discern no miscarriage of justice in applying the appeal waiver to Manley's second claim.

Manley's appeal is dismissed as barred by his appeal waiver.
