

United States Court of Appeals
For the Eighth Circuit

No. 25-3347

United States of America

Plaintiff - Appellee

v.

James L. Hatten, II

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: October 1, 2026

Filed: October 6, 2026

[Unpublished]

Before L.R. SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

James Hatten appeals the sentence and restitution the district court¹ imposed after he pleaded guilty to sex offenses pursuant to a written plea agreement containing

¹The Honorable Robert F. Rossiter, Jr., United States District Judge for the District of Nebraska.

an appeal waiver. His counsel has moved to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the reasonableness of Hatten's sentence and the restitution amount. Hatten has also filed a pro se brief, raising challenges to his guilty plea and sentence.

We conclude 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) (reviewing de novo the validity and applicability of an appeal waiver); *United States v. Andis*, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (stating that an 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). To the extent Hatten raises claims of ineffective assistance of counsel outside the scope of the appeal waiver, we decline to consider them on direct appeal. *See United States v. Ramirez-Hernandez*, 449 F.3d 824, 826-27 (8th Cir. 2006) (stating that ineffective-assistance claims are usually best litigated in collateral proceedings where the record can be fully developed).

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