

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 15, 2024

Decided October 16, 2024

BeforeMICHAEL Y. SCUDDER, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-1148

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LEDANIEL RUSSELL,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Illinois.

No. 3:22-cr-30136-DWD

David W. Dugan,
Judge.

ORDER

Ledaniel Russell pleaded guilty to one count of possession to distribute controlled substances—heroin, fentanyl, methamphetamine, and cocaine, 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(B)—and was sentenced to 144 months in prison. Despite a broad appeal waiver in his plea agreement, Russell filed a notice of appeal. His appointed counsel asserts that the appeal is frivolous and seeks to withdraw under *Anders v. California*, 386 U.S. 738 (1967). Counsel's brief explains the nature of the

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case and addresses potential issues that an appeal of this kind would typically involve. Because counsel's analysis appears thorough and Russell did not respond to the motion, *see* CIR. R. 51(b), we limit our review to the subjects identified in the brief. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014). We grant the motion and dismiss the appeal.

Counsel informs us that Russell does not wish to challenge his guilty plea, so counsel properly refrains from discussing the voluntariness of the plea. *See United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012); *United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2002).

Counsel considers whether Russell could challenge his sentence and rightly concludes that the appeal waiver would foreclose any challenge. In his plea agreement, Russell waived his right to appeal “all appellate issues” including the right to modify or contest “any aspect of the conviction or sentence in any type of proceeding.” An appellate waiver stands or falls with the underlying plea agreement, *see, e.g., United States v. Nulf*, 978 F.3d 504, 506 (7th Cir. 2020), and Russell does not want to challenge his plea. Additionally, as counsel points out, no exception to the appeal waiver could apply. Russell’s sentence does not exceed the statutory maximum of life imprisonment, 21 U.S.C. §§ 841(b)(1)(A), (b)(1)(B), and, as the sentencing transcript shows, the court did not consider any constitutionally impermissible factors at sentencing. *See United States v. Campbell*, 813 F.3d 1016, 1018 (7th Cir. 2016). Moreover, Russell’s 144-month sentence was within the applicable guidelines range. *See* U.S.S.G. ch. 5, pt. A (sentencing table). Russell’s 5-year term of supervised release was within the applicable statutory limit. *See* 21 U.S.C. §§ 841(b)(1)(A), (b)(1)(B). Russell’s \$300 fine was well below the applicable guidelines range. *See* U.S.S.G. § 5E1.2. And Russell’s \$100 special assessment was within the applicable statutory limit. *See* 18 U.S.C. § 3013.

Therefore, we GRANT counsel's motion to withdraw and DISMISS the appeal.