

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3805

United States of America,

Appellee,

v.

Harold Thomas Victor, Jr.,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* **[UNPUBLISHED]**
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Submitted: August 30, 2004
Filed: September 2, 2004

Before WOLLMAN, McMILLIAN, and RILEY, Circuit Judges.

PER CURIAM.

Harold Victor (Victor) pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 924(e). The district court¹ sentenced him as an armed career criminal to the statutory minimum of 180 months imprisonment and 5 years supervised release. On appeal, Victor's counsel moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the denial of motions to suppress evidence and statements, and Victor's sentence.

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

As part of his plea agreement, Victor explicitly waived his right to pursue any pretrial issues he raised or could have raised, his right to appeal under 18 U.S.C. § 3742 any lawful sentence not exceeding 210 months imprisonment, and his right to file a 28 U.S.C. § 2255 motion. Because the record demonstrates Victor's plea and plea agreement were voluntary and he understood he was waiving his appellate rights, his sentence is consistent with the plea agreement, and no miscarriage of justice would result from enforcing the appeal waiver, we enforce the waiver and dismiss this appeal. See United States v. Andis, 333 F.3d 886, 889-91 (8th Cir. 2003) (en banc).

We have reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), and we find no nonfrivolous issues. Accordingly, we dismiss the appeal, and grant counsel's motion to withdraw.
