

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3485

United States of America,

Appellee,

v.

Mauricio Luna-Aranda, also known as
Jose Lara-Tapia,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: November 20, 2007

Filed: November 26, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

Mauricio Luna-Aranda appeals the 41-month prison sentence the district court¹ imposed upon his guilty plea to illegally reentering the United States after deportation. See 8 U.S.C. § 1326(a), (b)(2). His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting that Luna-Aranda's sentence is unreasonable because it is greater than necessary to serve the goals of 18 U.S.C. § 3553(a).

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

Luna-Aranda pleaded guilty pursuant to a plea agreement that contained a waiver of his right to appeal the sentence. We will enforce the appeal waiver here. The record reflects that Luna-Aranda understood and voluntarily accepted the terms of the plea agreement, including the appeal waiver; the appeal falls within the scope of the waiver; and we conclude that no injustice would result. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (discussing enforceability of appeal waiver).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues for appeal beyond the scope of the waiver. Therefore, we dismiss the appeal, and we grant counsel's motion to withdraw.
