

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2274

United States of America,

Appellee,

v.

Sherri Beth Forrest,

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* [UNPUBLISHED]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: October 6, 2009
Filed: October 13, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Sherri Forrest challenges the 57-month sentence the district court¹ imposed after she pleaded guilty to a drug crime. Her counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), in which he seeks permission to withdraw, arguing that Forrest's within-Guidelines-range sentence is unreasonable.

We will enforce the appeal waiver in this case. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (court will enforce appeal waiver in plea

¹The Honorable Patrick J. Schiltz, United States District Judge for the District of Minnesota.

agreement when appeal falls within scope of waiver, both waiver and plea agreement were entered into knowingly and voluntarily, and enforcing waiver would not result in miscarriage of justice). This appeal falls within the scope of the waiver contained in Forrest's plea agreement, waiving the right to appeal any sentence at or below 168 months; the record shows the requisite knowledge and voluntariness; and we see nothing to suggest that a miscarriage of justice would result by enforcing the appeal waiver, see United States v. Toothman, 543 F.3d 967, 970 (8th Cir. 2008) (within-Guidelines-range sentence is presumptively reasonable on appeal).

Accordingly, we grant counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari, and we dismiss the appeal.
