

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3051

United States of America,

Appellee,

v.

Amina Y. Hayes, also known as Mimi,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: April 14, 2010

Filed: April 15, 2010

Before LOKEN, BYE, and SHEPHERD, Circuit Judges.

PER CURIAM.

Amina Y. Hayes was charged with conspiring to distribute 50 grams or more of cocaine base, in violation of 18 U.S.C. § 2 and 21 U.S.C. §§ 841(b)(1), 846. Hayes pleaded guilty in accord with a written plea agreement, broadly waiving the right to appeal her conviction and sentence. Hayes now appeals, arguing that the district court¹ imposed an unreasonable 135-month sentence. Counsel filed a brief under Anders v. California, 386 U.S. 738 (1967), and moved to withdraw. The issue raised on appeal falls within the scope of Hayes's appeal waiver, the plea agreement and

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

waiver were knowing and voluntary, and no miscarriage of justice results from our decision to enforce the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), and found no nonfrivolous issue. Accordingly, we dismiss the appeal and grant counsel leave to withdraw conditioned on counsel advising Ms. Hayes of the applicable rehearing and certiorari procedures.
