

United States Court of Appeals
For the Eighth Circuit

No. 20-1490

United States of America

Plaintiff - Appellee

v.

Joshua Walker

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: December 09, 2020

Filed: December 14, 2020

[Unpublished]

Before LOKEN, WOLLMAN, and KOBES, Circuit Judges.

PER CURIAM.

Joshua Walker appeals after he pleaded guilty, under a plea agreement containing an appeal waiver, to conspiring to transport stolen vehicles and

felon-in-possession charges, and the district court¹ imposed a within-Guidelines sentence. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as an abuse of discretion and as substantively unreasonable.

We will enforce the appeal waiver in this case because Walker entered into the plea agreement and the appeal waiver knowingly and voluntarily, his arguments fall within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). Further, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel leave to withdraw.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.