

United States Court of Appeals  
For the Eighth Circuit

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No. 21-1807

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United States of America,

*Plaintiff - Appellee,*

v.

Pedro Valdovinos,

*Defendant - Appellant.*

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Appeal from United States District Court  
for the District of Nebraska - Omaha

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Submitted: September 1, 2021

Filed: September 7, 2021

[Unpublished]

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Before LOKEN, COLLOTON, and STRAS, Circuit Judges.

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PER CURIAM.

Pedro Valdovinos appeals after he pleaded guilty to a drug offense and a firearms offense, and the district court<sup>1</sup> imposed a sentence consistent with his

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<sup>1</sup>The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.

binding Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement, which contained an appeal waiver. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), contending that the appeal waiver was not knowing and voluntary, and arguing that the sentence is substantively unreasonable.

Upon careful review, we conclude that the appeal waiver is valid and enforceable because Valdovinos knowingly and voluntarily entered into the plea agreement and the appeal waiver, his argument falls 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); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). Finally, we have independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), and have found no nonfrivolous issues for appeal falling outside the scope of the appeal waiver. Accordingly, this appeal is dismissed, and counsel's motion to withdraw is granted.

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