

United States Court of Appeals
For the Eighth Circuit

No. 23-3413

United States of America

Plaintiff - Appellee

v.

Gregory Renfro

Defendant - Appellant

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

Submitted: February 26, 2024

Filed: February 29, 2024

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Gregory Renfro appeals the sentence the district court¹ imposed after he pled guilty to arson pursuant to a plea agreement containing an appeal waiver. Having

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

jurisdiction under 28 U.S.C. § 1291, this court dismisses the appeal based on the appeal waiver.

Counsel has moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), acknowledging the appeal waiver, but challenging the sentence as substantively unreasonable. This court concludes that the appeal waiver is enforceable. Counsel's argument falls within the scope of the appeal waiver, the record shows that Renfro entered into the plea agreement and the appeal waiver knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcing waiver would not result in miscarriage of justice); see also 18 U.S.C. § 844(i) (sentence of 5-20 years in prison).

This court has reviewed the record independently under *Penon v. Ohio*, 488 U.S. 75 (1988), and has found no non-frivolous issues outside the scope of the appeal waiver.

The appeal is dismissed, and counsel's motion to withdraw is granted.
