

United States Court of Appeals
For the Eighth Circuit

No. 23-3626

United States of America

Plaintiff - Appellee

v.

Ali Alva-Joya

Defendant - Appellant

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

Submitted: May 16, 2024

Filed: May 23, 2024

[Unpublished]

Before GRUENDER, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Ali Alva-Joya appeals after he pleaded guilty to a drug-conspiracy charge pursuant to a written plea agreement containing an appeal waiver and the district

court¹ imposed a below-Guidelines-range sentence. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967).

We conclude that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing *de novo* the validity and applicability of an appeal waiver); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (explaining that an appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice).

We have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant counsel's motion to withdraw and dismiss this appeal.

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.