

United States Court of Appeals
For the Eighth Circuit

No. 24-2730

United States of America

Plaintiff - Appellee

v.

Brandon Kingsley Robinson

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: December 2, 2024

Filed: December 5, 2024

[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Brandon Robinson appeals the within-Guidelines-range sentence imposed by the district court¹ after he pled guilty to a firearm offense, pursuant to a written plea

¹The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.

agreement containing an appeal waiver. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence. The government has filed a motion to dismiss the appeal based on the appeal waiver.

Upon careful review, we conclude 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 validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered waiver and plea agreement, and enforcing waiver would not result in miscarriage of justice).

Further, having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant the government's motion, dismiss this appeal based on the appeal waiver, and grant counsel leave to withdraw.
