

United States Court of Appeals
For the Eighth Circuit

No. 24-3558

United States of America

Plaintiff - Appellee

v.

Chloe M. DaSilva

Defendant - Appellant

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

Submitted: March 20, 2025

Filed: March 25, 2025

[Unpublished]

Before SMITH, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Chloe DaSilva appeals the sentence imposed by the district court¹ after she pleaded guilty to simple assault of a flight attendant under a written plea agreement

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

containing an appeal waiver. Her counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is unreasonable.

It appears that DaSilva has been released from prison since the time she filed this appeal, and thus any appeal of her prison sentence is now moot.² See United States v. Williams, 483 F.3d 889, 889 (8th Cir. 2007) (per curiam) (appeal of defendant's sentence was moot because she was released during pendency of appeal, and effective relief was thus impossible). To the extent DaSilva appeals the term of supervised release imposed by the district court, however, the appeal is barred by the appeal waiver. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of an appeal waiver is reviewed de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (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 falling outside the scope of the waiver. Accordingly, we grant counsel's motion to withdraw, and dismiss this appeal.

²See <https://www.bop.gov/inmateloc/> (last accessed March 14, 2025).