

United States Court of Appeals
For the Eighth Circuit

No. 25-1876

United States of America

Plaintiff - Appellee

v.

Marlon T. Jordan

Defendant - Appellant

No. 25-1878

United States of America

Plaintiff - Appellee

v.

Marlon T. Jordan

Defendant - Appellant

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

Submitted: September 25, 2025

Filed: September 30, 2025

[Unpublished]

Before LOKEN, GRUENDER, and ERICKSON, Circuit Judges.

PER CURIAM.

In these consolidated appeals, Marlon Jordan appeals the sentences the district court¹ imposed after he pleaded guilty to a new drug offense pursuant to a written plea agreement containing an appeal waiver, and upon the revocation of the supervised release term he was serving for a prior firearm offense. His counsel has moved for leave to withdraw and has filed a brief challenging the sentences as substantively unreasonable.

Upon careful review, we conclude that the appeal waiver is valid, applicable, and enforceable as to the appeal from the sentence for the new offense. 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) (discussing the enforceability of appeal waivers). We also conclude that the district court did not abuse its discretion in imposing the revocation sentence, as there is no indication that it failed to consider a relevant 18 U.S.C. § 3553(a) factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing relevant factors, and the revocation sentence was within the statutory maximum. See United States v. Miller, 557 F.3d 910, 916 (8th Cir. 2009) (abuse of discretion review); 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 2 years if underlying offense is Class C felony).

For the new drug charge, we have independently reviewed the record and found no non-frivolous issues outside the scope of the appeal waiver. See Penson v. Ohio,

¹The Honorable David Gregory Kays, United States District Judge for the Western District of Missouri.

488 U.S. 75 (1988). Accordingly, we affirm the sentence in No. 25-1878, dismiss the appeal in No. 25-1876, and grant counsel's motion to withdraw.
