

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3809

United States of America,

Appellee,

v.

Lynda J. Craig,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: January 6, 2009
Filed: January 16, 2009

Before WOLLMAN, SMITH, and GRUENDER, Circuit Judges.

PER CURIAM.

Lynda Craig appeals the sentence the district court¹ imposed after she pleaded guilty to conspiring to distribute methamphetamine and possessing a firearm in furtherance of the conspiracy. Craig's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

Craig pleaded guilty pursuant to a plea agreement containing a waiver of any right to appeal unless her sentence exceeded the statutory maximum or was an illegal

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

sentence. We now enforce the appeal waiver because the record establishes Craig knowingly and voluntarily entered into the plea agreement and waiver; the appeal falls within the scope of the waiver; and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforceability of appeal waiver); United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues for appeal beyond the scope of the waiver. Therefore, we dismiss the appeal and we grant counsel's motion to withdraw.
