

United States Court of Appeals
For the Eighth Circuit

No. 18-1029

United States of America

Plaintiff - Appellee

v.

Shane Douglass Davison

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Rapid City

Submitted: September 13, 2018

Filed: September 18, 2018

[Unpublished]

Before LOKEN, COLLOTON, and STRAS, Circuit Judges.

PER CURIAM.

Shane Davison directly appeals the sentence imposed by the district court¹ after he pleaded guilty to enticement of a minor using the internet, pursuant to a plea

¹The Honorable Jeffrey L. Viken, Chief Judge, United States District Court for the District of South Dakota.

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), arguing that the district court imposed a substantively unreasonable sentence.

We will enforce the appeal waiver, because our review of the record demonstrates that Davison entered into the plea agreement and the appeal waiver knowingly and voluntarily, his challenge to the sentence falls within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforcement of appeal waivers). Further, 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 we dismiss this appeal.
