

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3294

United States of America,

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Appellee,

*

v.

* Appeal from the United States

* District Court for the

* District of South Dakota.

Brian Bear Heels,

*

* [UNPUBLISHED]

Appellant.

*

Submitted: October 20, 2006

Filed: October 31, 2006

Before SMITH, MAGILL, and BENTON, Circuit Judges.

PER CURIAM.

Brian Bear Heels appeals the sentence the district court¹ imposed after he pleaded guilty to second degree murder, in violation of 18 U.S.C. §§ 1153, 1111, and 2. His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967); Bear Heels objects to counsel's request to withdraw.

Bear Heels's plea agreement contains a valid appeal waiver. *See United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforceability of

¹The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

appeal waiver); *see also 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 pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), for any nonfrivolous issues not covered by the appeal waiver, we find none. Accordingly, we enforce the waiver, and dismiss the appeal. We also grant counsel leave to withdraw.
