

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 09-1471

United States of America,

Appellee,

v.

Sammy Inarrito,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: January 6, 2010
Filed: February 4, 2010

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Pursuant to a written plea agreement containing an appeal waiver, Sammy Inarrito pleaded guilty to conspiring to distribute and possess with the intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846. The district court¹ sentenced him to 180 months in prison and 4 years of supervised release. On appeal, counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), in which he raises as issues whether Inarrito understood “the full nature and extent” of the language in the plea agreement,

¹The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

including the appeal waiver; and whether the district court erred in making determinations at sentencing regarding drug quantity and relevant conduct.

Upon careful review, we conclude that Inarrito knowingly and voluntarily entered into the plea agreement and the appeal waiver, as he confirmed at the guilty-plea hearing that he had read and signed the plea agreement, that he had fully discussed the plea agreement with his attorney, that all the statements contained in the plea agreement were true, and that he understood the appeal waiver. Further, we conclude that the district court's determinations as to drug quantity and relevant conduct fall within the scope of the appeal waiver, and that enforcing the appeal waiver would not result in a miscarriage of justice. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (stating circumstances in which court will enforce 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 under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issue for appeal beyond the scope of the waiver. Accordingly, we enforce the appeal waiver and dismiss the appeal. We grant defense counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari.
