UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4441

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTWAUN WINBUSH,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., Senior District Judge. (2:24-cr-00154-1)

Submitted: August 20, 2026 Decided: August 24, 2026

Before AGEE and RUSHING, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

ON BRIEF: Shawn Angus Morgan, STEPTOE & JOHNSON PLLC, Bridgeport, West Virginia, for Appellant. Gabriel Caleb Price, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antwaun Winbush pleaded guilty, pursuant to a written plea agreement, to possession with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The district court sentenced Winbush within the applicable Sentencing Guidelines range to 151 months' imprisonment. On appeal, counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether Winbush's plea was knowing and voluntary, and whether his sentence is reasonable. Winbush filed a pro se supplemental brief arguing that the Government breached the plea agreement by arguing in favor of two sentence enhancements in the presentence report based on relevant conduct not encompassed by the stipulation of facts. The Government has moved to dismiss the appeal pursuant to the appeal waiver in Winbush's plea agreement. We dismiss in part and affirm in part.

"When the government seeks to enforce an appeal waiver and has not breached the plea agreement, we will enforce the waiver if it is valid and if the issue being appealed falls within the scope of the waiver." *United States v. Boutcher*, 998 F.3d 603, 608 (4th Cir. 2021) (internal quotation marks omitted). Upon review of the record, including the plea agreement and transcript of the Fed. R. Crim. P. 11 hearing, we conclude that Winbush knowingly and voluntarily pleaded guilty and waived his right to appeal, and that the Government did not breach the terms of the plea agreement. Accordingly, we grant the Government's motion to dismiss as to all issues within the waiver's scope.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal outside the scope of Winbush's valid appeal waiver. We therefore dismiss the appeal as to all issues within the waiver's scope and affirm the remainder of the district court's judgment. This court requires that counsel inform Winbush, in writing, of the right to petition the Supreme Court of the United States for further review. If Winbush requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Winbush.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED IN PART,
AFFIRMED IN PART