

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1165

United States of America,

Appellee,

v.

Edward Swingen,

Appellant.

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

[UNPUBLISHED]

Submitted: May 5, 2011
Filed: May 6, 2011

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Edward Swingen appeals the sentence the district court¹ imposed after he pled guilty to receipt and possession of child pornography, in violation of 18 U.S.C. § 2252(a)(2), (b)(1) and 18 U.S.C. § 2252A(a)(5)(B), (b)(2). Counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of Swingen's sentence.

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

We conclude that the district court committed no procedural error in sentencing Swingen, and that the court imposed a substantively reasonable sentence. See Gall v. United States, 552 U.S. 38, 51 (2007) (in reviewing sentence, appellate court first ensures that district court committed no significant procedural error, and then considers substantive reasonableness of sentence under abuse-of-discretion standard); United States v. Miles, 499 F.3d 906, 909-10 (8th Cir. 2007) (explaining that district court's awareness of defendant's arguments precludes conclusion that court abused its discretion in failing to consider them); United States v. Haack, 403 F.3d 997, 1004 (8th Cir. 2005) (describing ways in which court might abuse its discretion at sentencing).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.
