

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-3833

United States of America,

Appellee,

v.

Thomas Lindley,

Appellant.

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Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: June 1, 2012

Filed: June 28, 2012

Before LOKEN, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Thomas Lindley pleaded guilty to being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g) and 924(a)(2). The district court¹ concluded that he was an armed career criminal, see 18 U.S.C. § 924(e)(1), and sentenced him to 180 months in prison, the statutory minimum. On appeal, Lindley's counsel has filed a brief under Anders v. California, 385 U.S. 738 (1967), and seeks to withdraw. After careful review, we affirm.

¹The HONORABLE PAUL K. HOLMES, III, Chief Judge, United States District Court for the Western District of Arkansas.

In the Anders brief, counsel argues that Lindley's prior offenses were not violent felonies because his family members were the victims in at least two of Lindley's four burglary convictions, and his robbery conviction did not involve a weapon. This argument fails. See 18 U.S.C. § 924(e)(2)(B); United States v. Sawyer, 588 F.3d 548, 556 (8th Cir. 2009); United States v. Williams, 537 F.3d 969, 971 (8th Cir. 2008). We also find no merit to counsel's argument that the court treated the Guidelines as mandatory, given that the court sentenced Lindley to the statutory minimum sentence and lacked the authority in these circumstances to depart below the minimum. See United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003).

Finally, after reviewing the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we affirm the district court's judgment, and we grant counsel leave to withdraw.
