

United States Court of Appeals
For the Eighth Circuit

No. 12-3063

United States of America

Plaintiff - Appellee

v.

Christopher Shawn Robison

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: April 24, 2013

Filed: April 29, 2013

[Unpublished]

Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Christopher Robison appeals after he pled guilty to production of child pornography, in violation of 18 U.S.C. § 2251(a), (e), and the district court¹ imposed

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota.

a within-Guidelines-range sentence. Robison's counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), suggesting that the district court erred in denying Robison's motion to dismiss the indictment.

We conclude that the district court did not err in denying Robison's motion to dismiss the indictment. See *United States v. Lemke*, 377 Fed. Appx. 570, 571-72 (8th Cir. 2010) (unpublished per curiam) (district court did not err in denying defendant's motion to dismiss indictment based on argument that § 2251(a) regulates sexual activity, not economic activity); see also *United States v. Betcher*, 534 F.3d 820, 824 (8th Cir. 2008) (more than one panel of this court has already rejected constitutional attack that argues mere transportation across state or international lines of cameras used in manufacture of child pornography does not constitute impact upon interstate commerce sufficient to form jurisdictional basis upon which Congress could validly prohibit charged conduct under Commerce Clause). Furthermore, having reviewed the record independently under *Penson v. Ohio*, 488 U.S. 75, 80 (1988), we find no non-frivolous issues.

Accordingly, we grant counsel's motion to withdraw, and we affirm.
