

United States Court of Appeals
For the Eighth Circuit

No. 13-1092

United States of America

Appellee

v.

Gabriel Campos-Cisneros, also known as Graciano Cisneros-Luviano, also known as Craciano Luviano, also known as Craciano Cisneros-Luviavan, also known as Jorge Campos, also known as Jorge Cisneros

Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: June 4, 2013
Filed: June 7, 2013
[Unpublished]

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Gabriel Campos-Cisneros appeals the 59-month prison sentence imposed by the district court¹ after he pleaded guilty to illegally reentering the country after having been deported subsequent to a drug-trafficking conviction, in violation of 18 U.S.C. § 1326(a) and (b)(2). His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the court's criminal-history determination. Because Mr. Campos-Cisneros affirmatively withdrew his criminal-history objection at the sentencing hearing, however, we decline to review the issue. See United States v. Olano, 507 U.S. 725, 733 (1993) (waiver is intentional relinquishment or abandonment of known right and is not reviewable on appeal); United States v. Harrison, 393 F.3d 805, 806 (8th Cir. 2005) (finding waiver of objections when counsel confirmed at sentencing that there were no objections); United States v. Thompson, 289 F.3d 524, 526-27 (8th Cir. 2002) (where lawyer who represented defendant in district court withdrew defendant's objections to presentence report, he was precluded from arguing those objections on appeal).

Further, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, subject to counsel informing appellant about procedures for seeking rehearing or filing a petition for certiorari, and we affirm.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.