United States Court of Appeals

For the Eighth Circuit
No. 13-1246
United States of America
Plaintiff - Appellee
v.
Rebecca Miller
Defendant - Appellant
Appeal from United States District Court for the Western District of Arkansas - Texarkana
Submitted: September 19, 2013 Filed: September 25, 2013 [Unpublished]
Before LOKEN, GRUENDER, and BENTON, Circuit Judges.
PER CURIAM.
After a jury found Rebecca Miller guilty of several drug charges

After a jury found Rebecca Miller guilty of several drug charges, the district court¹ sentenced her to 188 months in prison. On appeal, we affirmed the convictions

¹The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

but remanded for resentencing. See <u>United States v. Miller</u>, 698 F.3d 699, 707-10 (8th Cir. 2012). On remand, the district court imposed a sentence of 120 months in prison. Miller appeals, and in a brief filed under <u>Anders v. California</u>, 386 U.S. 738 (1967), counsel argues that the court abused its discretion in imposing the sentence.² Miller has not filed a pro se brief.

After careful review, we affirm the sentence, because the district court complied with our decision, see <u>United States v. Kendall</u>, 475 F.3d 961, 963-64 (8th Cir. 2007), and imposed a sentence that was stipulated to by both parties and that is not unreasonable, see <u>United States v. Feemster</u>, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Further, we have reviewed the record independently under <u>Penson v. Ohio</u>, 488 U.S. 75 (1988), and we find no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm.

²We decline to consider counsel's argument that the district court also abused its discretion in failing to grant safety-valve relief. See <u>United States v. Kress</u>, 58 F.3d 370, 373 (8th Cir. 1995) (where party could have raised issue in prior appeal but did not, court later hearing same case need not consider matter).