United States Court of Appeals

For the Eighth Circuit

	No. 15-2969	
τ	Jnited States of America	
	Plaintiff - Appellee	
	v.	
Gerardo Lopez-M	artinez, also known as Eduardo Espinoz	za
	Defendant - Appellant	
* *	rom United States District Court rthern District of Iowa - Dubuque	

Submitted: January 8, 2016 Filed: February 2, 2016 [Unpublished]

Before LOKEN, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Gerardo Lopez-Martinez appeals the sentence imposed after he pleaded guilty to unlawful use of an identification document and misuse of a social security number.

The district court¹ sentenced him to time served and 3 years of supervised release. Counsel has moved to withdraw, and in a brief filed under <u>Anders v. California</u>, 386 U.S. 738 (1967), argues that the court committed plain procedural error by failing to adequately explain the reasons for Lopez-Martinez's sentence, and that the sentence is substantively unreasonable.

"We will not sustain a procedural challenge to the district court's discussion of the 18 U.S.C. § 3553(a) sentencing factors by a defendant who did not object to the adequacy of the court's explanation at sentencing." <u>United States v. Maxwell</u>, 778 F.3d 719, 734 (8th Cir. 2015). Further, nothing in the record indicates that the court overlooked a relevant sentencing factor, considered an improper factor, or committed a clear error of judgment, in fashioning Lopez-Martinez's sentence. <u>See United States v. Feemster</u>, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (abuse-of-discretion review of substantive reasonableness of sentence). Finally, having independently reviewed the record pursuant to <u>Penson v. Ohio</u>, 488 U.S. 75 (1988), we find no nonfrivolous issues.

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