United States Court of Appeals
For the Eighth Circuit

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No. 16-1827

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United States of America

Plaintiff - Appellee

v.

Dustin Wayne Rogers

Defendant - Appellant

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Appeal from United States District Court
for the Southern District of Iowa - Davenport

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Submitted: April 12, 2017
Filed: April 17, 2017
[Unpublished]

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Before GRUENDER, ARNOLD, and BENTON, Circuit Judges.

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PER CURIAM.

Dustin Wayne Rogers pled guilty plea to child-pornography charges. On appeal, he challenges the sentence that the district court[1] imposed. Rogers's counsel

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[1]The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.

moves to withdraw, and in a brief submitted under *Anders v. California*, 386 U.S. 738 (1967), he argues that the sentence was substantively unreasonable. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

The district court imposed a sentence below the applicable advisory Guidelines range after discussing, in some detail, the nature and seriousness of the offenses, Rogers's personal characteristics, difficult childhood, and admirable military service, and considered other appropriate sentencing factors under 18 U.S.C. § 3553(a). This court finds that the sentence was not substantively unreasonable. *See United States v. David*, 682 F.3d 1074, 1077 (8th Cir. 2012) (discussing abuse of discretion); *United States v. Moore*, 581 F.3d 681, 684 (8th Cir. 2009) (per curiam) ("[W]here a district court has sentenced a defendant below the advisory guidelines range, it is nearly inconceivable that the court abused its discretion in not varying downward still."). An independent review of the record reveals no nonfrivolous issues for appeal. *See Penson v. Ohio*, 488 U.S. 75 (1988).

The judgment is affirmed, and counsel's motion to withdraw is granted.

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