

United States Court of Appeals
For the Eighth Circuit

No. 16-3493

United States of America,

Plaintiff - Appellee,

v.

Nathan Adam Smith,

Defendant - Appellant.

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

Submitted: March 21, 2017

Filed: March 30, 2017

[Unpublished]

Before RILEY, ARNOLD, and COLLOTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Nathan Smith challenges the district court's¹ below-Guidelines-range sentence imposed following his guilty plea to bank fraud.

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.

His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Smith's sentence is substantively unreasonable because there is undue disparity between Smith's sentence and the sentences imposed on his co-defendants. In a supplemental brief, Smith joins counsel in challenging the substantive reasonableness of his sentence based on the more favorable sentences that his co-defendants received.

Having carefully reviewed the district court's careful articulation at sentencing of the multiple factors that guided the court in fashioning an appropriate sentence, we conclude that the sentence is not substantively unreasonable. *See United States v. Miller*, 57 F.3d 910, 917 (8th Cir. 2009). Further, we have reviewed the record as required by *Penson v. Ohio*, 488 U.S. 75 (1988), and find no nonfrivolous issues for appeal. Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.
