

United States Court of Appeals
For the Eighth Circuit

No. 16-3706

United States of America

Plaintiff - Appellee

v.

Carlos Alejandro Rodriguez-Padron

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: June 1, 2017

Filed: June 6, 2017

[Unpublished]

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

A jury found Carlos Alejandro Rodriguez-Padron guilty of two counts of distributing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A). The

district court¹ sentenced him to 97 months in prison, followed by four years of supervised release. On appeal, Rodriguez-Padron's counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sufficiency of the evidence, the admission of certain evidence, and the reasonableness of the sentence. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

The trial evidence showed that Rodriguez-Padron twice sold an ounce of methamphetamine to a confidential informant, and the transactions were captured on audio and video recordings. See *United States v. Garcia*, 646 F.3d 1061, 1066-67 (8th Cir. 2011). After Rodriguez-Padron testified that the transactions were not what they appeared to be and that he was unfamiliar with methamphetamine, the district court properly allowed the government to introduce impeachment evidence—with a limiting instruction—in the form of Rodriguez-Padron's proffer statements, and another witness's testimony about Rodriguez-Padron's prior methamphetamine transactions. See *United States v. Clarke*, 564 F.3d 949, 957-58 (8th Cir. 2009) (finding no error under Fed. R. Evid. 404(b) by allowing impeachment evidence); *United States v. Rowley*, 975 F.2d 1357, 1362 (8th Cir. 1992) (upholding admission of defendant's proffer statements for impeachment purposes). There is no support in the record for a finding that the sentence, which was at the bottom of the guidelines range, was unreasonable. See *United States v. Harlan*, 815 F.3d 1100, 1107 (8th Cir. 2016).

Having conducted an independent review under *Penon v. Ohio*, 488 U.S. 75 (1988), this court finds no nonfrivolous issue.

The judgment is affirmed. Counsel's motion to withdraw is granted.

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.