

United States Court of Appeals
For the Eighth Circuit

No. 17-1498

United States of America

Plaintiff - Appellee

v.

Neldwin Adan Santana

Defendant - Appellant

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

Submitted: September 19, 2017

Filed: October 3, 2017

[Unpublished]

Before LOKEN, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Neldwin Adan Santana directly appeals the sentence imposed by the district court¹ after he pled guilty to illegally reentering the United States. Santana's counsel

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable. Santana has filed a pro se brief essentially arguing the same.

After thorough review, we conclude that the district court did not impose an unreasonable sentence, as the court carefully considered the 18 U.S.C. § 3553(a) sentencing factors and sentenced Santana at the bottom of the calculated Sentencing Guidelines range. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (discussing appellate review of sentencing decisions); see also United States v. Petersen, 848 F.3d 1153, 1157 (8th Cir. 2017) (appellate court may apply presumption of reasonableness to within-Guidelines-range sentence); United States v. Stults, 575 F.3d 834, 849 (8th Cir. 2009) (where court makes individualized assessment based on facts presented, addressing proffered information in consideration of § 3553(a) factors, sentence is not unreasonable).

Having independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.
