

United States Court of Appeals  
For the Eighth Circuit

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No. 18-3337

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United States of America,

*Plaintiff - Appellee,*

v.

Yoandri Michel Hernandez,

*Defendant - Appellant.*

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

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Submitted: August 6, 2019

Filed: August 9, 2019

[Unpublished]

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Before COLLTON, ERICKSON, and GRASZ, Circuit Judges.

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PER CURIAM.

Yoandri Hernandez appeals the sentence of 210 months' imprisonment imposed by the district court<sup>1</sup> after Hernandez pleaded guilty to drug and firearm

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

offenses. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the court erred in its calculations under the sentencing guidelines and imposed a substantively unreasonable sentence. In his supplemental brief, Hernandez also challenges the calculations under the guidelines.

We first conclude that Hernandez waived his challenges to the guidelines calculations when he withdrew his objections at sentencing. *See United States v. Stoney End of Horn*, 829 F.3d 681, 687–88 (8th Cir. 2016). Next, we conclude that the court imposed a substantively reasonable sentence, as we presume that sentence within the range is reasonable, *see United States v. Callaway*, 762 F.3d 754, 760 (8th Cir. 2014), and there is no indication that the court overlooked a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing appropriate factors. *See United States v. Feemster*, 572 F.3d 455, 461–62 (8th Cir. 2009) (en banc).

Having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel leave to withdraw.

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