

United States Court of Appeals
For the Eighth Circuit

No. 19-1420

United States of America

Plaintiff - Appellee

v.

Marcos Antonio Chavez Gonzalez

Defendant - Appellant

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

Submitted: September 5, 2019

Filed: September 9, 2019

[Unpublished]

Before LOKEN, GRUENDER, and KOBES, Circuit Judges.

PER CURIAM.

Marcos Gonzalez appeals after he pleaded guilty to illegal reentry into the United States and the district court¹ sentenced him to a prison term below the calculated Guidelines range.

We conclude that the district court imposed a substantively reasonable sentence. Gonzalez was sentenced below the calculated Guidelines range 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) (discussing substantive reasonableness); see also United States v. McCauley, 715 F.3d 1119, 1127 (8th Cir. 2013) (where district court has varied below Guidelines range, it is “nearly inconceivable” that court abused its discretion in not varying downward still further). 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 permission to withdraw.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.