

United States Court of Appeals  
For the Eighth Circuit

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No. 22-1067

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United States of America

*Plaintiff - Appellee*

v.

Lucas Michael McNulty-Snodgrass

*Defendant - Appellant*

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

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Submitted: July 1, 2022

Filed: July 18, 2022

[Unpublished]

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Before GRUENDER, BENTON, and STRAS, Circuit Judges.

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PER CURIAM.

Lucas McNulty-Snodgrass received a 210-month prison sentence after he pleaded guilty to conspiring to distribute methamphetamine, 21 U.S.C. §§ 841(a)(1), 846, and being a felon in possession of firearms and ammunition, 18 U.S.C. § 922(g). An *Anders* brief suggests that the sentence is substantively unreasonable. See *Anders v. California*, 386 U.S. 738 (1967). A pro se brief claims that Congress

did not have the power to enact the two statutes that Snodgrass violated. *See* U.S. Const. art. I, § 8, cl. 3; *United States v. Morrison*, 529 U.S. 598, 616–17 (2000).

Snodgrass’s constitutional argument is foreclosed by precedent. *See Gonzales v. Raich*, 545 U.S. 1, 9 (2005); *United States v. Nash*, 627 F.3d 693, 696–97 (8th Cir. 2010). And the substantive-reasonableness challenge is belied by the record, which establishes that the district court<sup>1</sup> sufficiently considered the statutory sentencing factors, 18 U.S.C. § 3553(a), and did not rely on an improper factor or commit a clear error of judgment. *See United States v. Feemster*, 572 F.3d 455, 461–62 (8th Cir. 2009) (en banc).

Finally, we have independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75, 82–83 (1988). We accordingly affirm the judgment of the district court and grant counsel permission to withdraw.

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