

United States Court of Appeals
For the Eighth Circuit

No. 22-2131

United States of America,

Plaintiff - Appellee,

v.

Gabriel Roubideaux,

Defendant - Appellant.

Appeal from United States District Court
for the District of South Dakota - Central

Submitted: October 12, 2022

Filed: October 27, 2022

[Unpublished]

Before COLLOTON, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Gabriel Roubideaux appeals a sentence imposed by the district court¹ after he pleaded guilty to arson. His counsel has moved to withdraw and filed a brief under

¹The Honorable Roberto Lange, Chief Judge, United States District Court for the District of South Dakota.

Anders v. California, 386 U.S. 738 (1967), challenging the restitution order, the guidelines calculation, and the reasonableness of the sentence.

We conclude that the district court did not plainly err in ordering Roubideaux to pay \$22,675 in restitution, as the government presented the investigator's testimony, the victim's sworn declaration outlining her losses, and photographs of the trailer home before and after the fire. *See United States v. Clausen*, 949 F.3d 1076, 1081 (8th Cir. 2020). The district court also did not err in applying a base offense level of 24, as the offense involved the destruction of a dwelling, and the guideline does not require specific intent to destroy a dwelling. *See* U.S.S.G. § 2K1.4(a)(1)(B). Finally, the court did not impose a substantively unreasonable sentence, as there is no indication that it overlooked a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing the relevant factors. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc).

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