

United States Court of Appeals
For the Eighth Circuit

No. 22-3042

United States of America

Plaintiff - Appellee

v.

Antonio Allen Donaby

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 25, 2023

Filed: February 6, 2023

[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Antonio Donaby appeals the sentence imposed by the district court¹ after he pleaded guilty to escaping from custody. His counsel has moved for leave to

¹The Honorable Stephen R. Clark, then United States District Judge for the Eastern District of Missouri, now Chief Judge.

withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence. Donaby has filed a pro se brief also challenging the sentence.

Upon careful review, we conclude that the district court did not impose a substantively unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (sentences are reviewed for substantive reasonableness under deferential abuse of discretion standard; abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors). The record establishes that the district court adequately considered the sentencing factors listed in 18 U.S.C. § 3553(a). See United States v. Mays, 993 F.3d 607, 619 (8th Cir. 2021) (where issues are raised in sentencing position papers and at the sentencing hearing, district court is presumed to have considered them); United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines-range sentence may be presumed reasonable).

We have also 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 the judgment, and grant counsel's motion to withdraw.
