

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1337

United States of America,

Appellee,

v.

Armando Reyes,

Appellant.

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* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
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* [UNPUBLISHED]
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Submitted: January 5, 2006
Filed: January 20, 2006

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Armando Reyes pleaded guilty to conspiring to possess more than 50 kilograms of marijuana with intent to distribute, in violation of 21 U.S.C. § 846. The district court¹ sentenced him at the top of the advisory Guidelines range to 87 months in prison and 3 years of supervised release. On appeal, his counsel has moved to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967). For the reasons discussed below, we grant counsel's motion and affirm.

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

Counsel argues that the sentence imposed is unreasonable under the standard of review announced in *United States v. Booker*, 543 U.S. 220 (2005). However, a sentence within the advisory Guidelines range is presumptively reasonable, and we conclude that Reyes has not satisfied his burden to rebut that presumption of reasonableness. *See United States v. Lincoln*, 413 F.3d 716, 717-18 (8th Cir. 2005), *cert. denied*, 2005 WL 3067440 (U.S. Dec. 12, 2005) (No. 05-7506). Of particular relevance is his lengthy criminal history, including prior convictions for possessing or trafficking escalating quantities of marijuana.

After reviewing the record independently under *Penon v. Ohio*, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment of the district court.
