United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3107

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the
v.	*	District of Minnesota.
	*	
Gabriel Abundiz Nabejar,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: October 9, 2007
Filed: December 28, 2007

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Gabriel Abundiz Nabejar appeals the 96-month prison sentence the district court[1] imposed after he pleaded guilty to re-entering the United States as a previously deported alien in violation of 8 U.S.C. § 1326(a), subsequent to a conviction for an aggravated felony in violation of 8 U.S.C. § 1326(b)(2). In a brief filed under Anders v. California, 386 U.S. 738 (1967), Abundiz Nabejar's counsel seeks permission to withdraw.

[1]The Honorable David S. Doty, United States District Judge for the District of Minnesota.

We conclude that Abundiz Nabejar's advisory Guidelines imprisonment range was correctly determined by the district court, and that his within-Guidelines sentence is not unreasonable because nothing in the record suggests the court overlooked a relevant factor, gave significant weight to an improper factor, or made a clear error of judgment in imposing the sentence. See Rita v. United States, 127 S. Ct. 2456, 2462-68 (2007) (allowing appellate presumption of reasonableness for within-Guidelines sentences); United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (factors used to review sentence for reasonableness). The factors the court considered in imposing a top-of-the-Guidelines sentence--Nabejar's serious and significant criminal history, his failure to register as a sex offender, his use of alias names, and the need to provide just punishment and afford adequate deterrence--were all proper sentencing factors. See 18 U.S.C. § 3553(a)(1) (history and characteristics of defendant), (a)(2)(A) (provide just punishment), (a)(2)(B) (afford adequate deterrence). After reviewing the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

Accordingly, we grant counsel leave to withdraw, and we affirm.
