

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-4031

United States of America,

Appellee,

v.

Rafael Bernal-Gonzalez,

Appellant.

*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: October 5, 2007
Filed: November 7, 2007

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Rafael Bernal-Gonzalez appeals the 87-month sentence the district court¹ imposed upon his guilty plea to a drug offense, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1), and 846. Bernal-Gonzalez's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), and moves to withdraw. For reversal, he argues that Bernal-Gonzalez's sentence, which was imposed at the bottom of the uncontested Guidelines range, is unreasonable.

¹The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

We review Bernal-Gonzalez's sentence for reasonableness, and given that it falls within the advisory Guidelines range, it is presumptively reasonable. See Rita v. United States, 127 S. Ct. 2456, 2462 (2007) (discussing presumption). We see no basis in the record for concluding that Bernal-Gonzalez's sentence is unreasonable, see United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (factors); and further, after reviewing the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we affirm, and we grant counsel leave to withdraw.
