

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-2415

United States of America,

Appellee,

v.

Juan Martinez-Chavez,

Appellant.

*
*
* Appeal from the United States
* District Court for the
* Southern District of Iowa.
*
* [UNPUBLISHED]
*
*

Submitted: April 29, 2010

Filed: May 5, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Juan Martinez-Chavez challenges the sentence that the District Court¹ imposed after he pleaded guilty to a drug offense. Martinez-Chavez's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), and has moved to withdraw. Upon careful review, we conclude that the District Court committed no procedural error in sentencing Martinez-Chavez and that the court imposed a substantively reasonable sentence. See Gall v. United States, 552 U.S. 38, 51 (2007) (explaining that in reviewing a sentence, the appellate court first ensures

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

that the district court committed no significant procedural error and then considers the substantive reasonableness of the sentence under the abuse-of-discretion standard; if the sentence is within the Guidelines range, the appellate court may apply a presumption of reasonableness); United States v. Haack, 403 F.3d 997, 1004 (8th Cir.) (noting that an abuse of discretion may occur when the court fails to consider a relevant factor that should have received significant weight, gives significant weight to an improper or irrelevant factor, or considers only appropriate factors but commits a clear error of judgment in weighing them), cert. denied, 546 U.S. 913 (2005).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.
