

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 09-3484

United States of America,

*

Appellee,

*

v.

*

* Appeal from the United States

*

* District Court for the

*

* District of Minnesota.

Juan Garcia-Bautista,

*

*

* [UNPUBLISHED]

Appellant.

*

Submitted: June 11, 2010

Filed: June 25, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Juan Garcia-Bautista challenges the sentence imposed by the district court¹ after he pleaded guilty to a drug offense. On appeal, his counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is unreasonable under the facts of this case.

We review the imposition of sentences under a deferential abuse-of-discretion standard, first ensuring that the district court committed no significant procedural

¹The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota.

error, and then considering the substantive reasonableness of the sentence. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). The sentence imposed was at the bottom of the undisputed advisory Guidelines range, see Rita v. United States, 551 U.S. 338, 347-50 (2007), and we find no indication that Garcia-Bautista would be able to rebut the resulting presumption of reasonableness, see United States v. Cadenas, 445 F.3d 1091, 1094 (8th Cir. 2006). Further, after reviewing the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal.

Accordingly, the judgment is affirmed. We also grant counsel's motion to withdraw, and we deny Garcia-Bautista's pending motion for appointment of counsel.
