

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

No. 10-1632

United States of America,

Appellee,

v.

Jack Kloster,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: July 14, 2010

Filed: August 2, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Jack Kloster pleaded guilty to receiving child pornography, and the district court¹ sentenced him to 151 months in prison and supervised release for life. Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable because the district court disproportionately weighed a victim statement that was read into the record at the sentencing hearing. We reject this argument, affirm Kloster's sentence, and grant counsel's motion to withdraw.

¹The HONORABLE JIMM LARRY HENDREN, Chief Judge, United States District Court for the Western District of Arkansas.

To begin, we note that the sentence was imposed at the bottom of the uncontested Guidelines range, and therefore on appeal, the sentence is entitled to a presumption of reasonableness. See United States v. Sicaros-Quintero, 557 F.3d 579, 583 (8th Cir. 2009). And having carefully reviewed the record, including the court’s remarks during the sentencing hearing, we conclude that Kloster has not rebutted the presumption of reasonableness, based on the court’s consideration of the victim statement or any other reason. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (listing factors that constitute abuse of discretion).

We also have reviewed the record, as required by Penon v. Ohio, 488 U.S. 75 (1988), to determine whether there are any nonfrivolous issues for appeal, and we have found none. Accordingly, we affirm, and we grant counsel’s motion to withdraw conditioned on counsel informing Kloster about the procedures for seeking rehearing from this court and filing a petition for a writ of certiorari from the Supreme Court of the United States.
