

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

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No. 10-3078

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United States of America,

Appellee,

v.

David Hernandez-Leonardo,

Appellant.

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

[UNPUBLISHED]

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Submitted: April 7, 2011

Filed: April 14, 2011

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Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

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PER CURIAM.

David Hernandez-Leonardo pleaded guilty to unlawfully reentering the United States after having been deported following conviction for an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2). The district court<sup>1</sup> sentenced him to 41 months in prison, at the bottom of the Guidelines range; the court also imposed a below-Guidelines-range fine of \$3,000, and three years of supervised release. On appeal, his counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is unreasonable.

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<sup>1</sup>The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.



We conclude that the district court did not abuse its discretion or impose an unreasonable sentence, because it calculated the undisputed advisory Guidelines sentencing range, considered relevant 18 U.S.C. § 3553(a) factors, and explained its reasons for the sentence. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate court reviews for abuse of discretion, first ensuring that district court committed no significant procedural error, and then considering substantive reasonableness of sentence); United States v. Garcia, 512 F.3d 1004, 1006 (8th Cir. 2008) (sentence within Guidelines range is presumptively reasonable on appeal).

Having independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment.

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