

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1426

United States of America,

Appellee,

v.

Timothy Anderson,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: August 23, 2011
Filed: August 29, 2011

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Timothy Anderson pleaded guilty to distributing cocaine base within 1,000 feet of a playground after having previously been convicted of a felony drug offense, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 851, and 860. The district court¹ sentenced Anderson to 235 months in prison and six years of supervised release, and he appeals. On appeal, counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is greater than necessary to achieve the goals set forth in 18 U.S.C. § 3553(a).

¹The HONORABLE LINDA R. READE, Chief Judge, United States District Court for the Northern District of Iowa.

Anderson has failed to rebut the presumption that his sentence, which falls within the advisory Guidelines range, is not substantively unreasonable. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Additionally, having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, the judgment of the district court is affirmed, and we grant counsel's motion to withdraw.
