

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1869

United States of America,

Appellee,

v.

Nery Saud Chacon,

Appellant.

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

[UNPUBLISHED]

Submitted: September 7, 2011

Filed: September 14, 2011

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Nery Chacon pleaded guilty to illegally re-entering the United States after being deported following the commission of an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2). The district court¹ imposed a sentence of 46 months in prison and three years of supervised release. Chacon appeals. His counsel has moved to withdraw, and in a brief filed under Anders v. California, 386 U.S. 738 (1967), he argues that the district court abused its discretion in imposing a substantively

¹The Honorable Linda R. Reade, Chief Judge of the United States District Court for the Northern District of Iowa.

unreasonable sentence that was greater than necessary to achieve the sentencing goals of 18 U.S.C. § 3553(a).

Chacon has failed to rebut the presumption that his sentence, which falls at the bottom of 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.
