

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

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No. 11-1869

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United States of America,

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Appellee,

\* Appeal from the United States

\* District Court for the

\* Northern District of Iowa.

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Nery Saud Chacon,

\* [UNPUBLISHED]

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Appellant.

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Submitted: September 7, 2011

Filed: September 14, 2011

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Before LOKEN, BYE, and COLLTON, Circuit Judges.

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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 court<sup>1</sup> 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

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<sup>1</sup>The 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.

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