

United States Court of Appeals
For the Eighth Circuit

No. 13-1246

United States of America

Plaintiff - Appellee

v.

Rebecca Miller

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Texarkana

Submitted: September 19, 2013

Filed: September 25, 2013

[Unpublished]

Before LOKEN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

After a jury found Rebecca Miller guilty of several drug charges, the district court¹ sentenced her to 188 months in prison. On appeal, we affirmed the convictions

¹The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

but remanded for resentencing. See United States v. Miller, 698 F.3d 699, 707-10 (8th Cir. 2012). On remand, the district court imposed a sentence of 120 months in prison. Miller appeals, and in a brief filed under Anders v. California, 386 U.S. 738 (1967), counsel argues that the court abused its discretion in imposing the sentence.² Miller has not filed a pro se brief.

After careful review, we affirm the sentence, because the district court complied with our decision, see United States v. Kendall, 475 F.3d 961, 963-64 (8th Cir. 2007), and imposed a sentence that was stipulated to by both parties and that is not unreasonable, see United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Further, we have reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), and we find no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm.

²We decline to consider counsel's argument that the district court also abused its discretion in failing to grant safety-valve relief. See United States v. Kress, 58 F.3d 370, 373 (8th Cir. 1995) (where party could have raised issue in prior appeal but did not, court later hearing same case need not consider matter).