

United States Court of Appeals
For the Eighth Circuit

No. 13-2198

United States of America

Plaintiff - Appellee

v.

Verne E. Moore

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: December 3, 2013

Filed: December 9, 2013

[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Verne Moore appeals after he pled guilty to a felon-in-possession charge, and the district court¹ imposed a within-Guidelines-range sentence. His counsel has

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), suggesting that the district court (1) made a clearly erroneous factual finding, resulting in an improper denial of Moore's motion to suppress; and (2) inadequately discussed the 18 U.S.C. § 3553(a) factors at sentencing, resulting in an unreasonable sentence.

Upon careful review, we conclude that the district court did not make any clearly erroneous factual findings and properly denied Moore's motion to suppress. *See United States v. Donnelly*, 475 F.3d 946, 951 (8th Cir. 2007) (district court's factual findings are reviewed for clear error). We further conclude that the district court did not impose an unreasonable sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007) (sentencing decision is reviewed under abuse-of-discretion standard); *see also United States v. Godsey*, 690 F.3d 906, 912 (8th Cir. 2012) (mechanical recitation of § 3553(a) factors at sentencing is not required; rather it simply must be clear from record that district court actually considered § 3553(a) factors in determining sentence).

Finally, having reviewed the record independently under *Penon v. Ohio*, 488 U.S. 75, 80 (1988), we find no non-frivolous issues. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
