

United States Court of Appeals
For the Eighth Circuit

No. 13-3765

United States of America

Plaintiff - Appellee

v.

Enrique Manzo

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa, Waterloo

Submitted: June 16, 2014

Filed: June 23, 2014

[Unpublished]

Before LOKEN, MURPHY, and SMITH, Circuit Judges.

PER CURIAM.

Enrique Manzo directly appeals after he pled guilty to a drug-conspiracy offense and the district court¹ sentenced him to 100 months in prison. His counsel

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

has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Manzo's sentence is unreasonable because (1) the 100-month prison term was in the middle, not at the bottom, of Manzo's Guidelines range as recalculated by the court after granting the government's U.S.S.G. § 5K1.1 downward-departure motion, and (2) the court recommended that Manzo's prison term be ordered to run consecutively to certain anticipated state prison terms.

We first conclude that the district court did not abuse its discretion in selecting Manzo's term of imprisonment. See United States v. Zauner, 688 F.3d 426, 429 (8th Cir. 2012) (substantive reasonableness of sentence based on both § 5K1.1 motion and district court's consideration of 18 U.S.C. § 3553(a) factors is reviewed for abuse of discretion). We further conclude that the district court's recommendation regarding consecutive prison terms did not result in an unreasonable sentence. Cf. Setser v. United States, 132 S. Ct. 1463, 1473 (2012) (noting that it was within district court's discretion to order that defendant's sentence run consecutively to his anticipated state sentence).

Finally, having reviewed the record independently in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we conclude that there are no nonfrivolous issues. Accordingly, we affirm the judgment of the district court, and we grant counsel leave to withdraw, subject to counsel informing Manzo about procedures for seeking rehearing or filing a petition for certiorari.