

United States Court of Appeals
For the Eighth Circuit

No. 14-1275

United States of America

Plaintiff - Appellee

v.

Bjorn Christian Luster

Defendant - Appellant

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

Submitted: September 12, 2014

Filed: September 17, 2014

[Unpublished]

Before WOLLMAN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Bjorn Luster directly appeals the within-Guidelines-range sentence the district court¹ imposed after he pled guilty to possessing a destructive device. His counsel

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

has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court procedurally erred by basing its selection of Luster's sentence on an unproven fact, and that the court imposed a substantively unreasonable sentence. Upon careful review, we conclude that the district court did not procedurally err or impose a substantively unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 460-61 (8th Cir. 2009) (en banc) (setting forth standards for reviewing sentencing decisions; where sentence falls within Guidelines range, appeals court may, but is not required to, apply presumption of reasonableness); see also United States v. Bolanos, 409 F.3d 1045, 1048 (8th Cir. 2005) (where there are two permissible views of evidence, factfinder's choice between them cannot be clearly erroneous).

Having independently reviewed the record in accordance with Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, counsel's motion to withdraw is granted, and the judgment is affirmed.
