

United States Court of Appeals
For the Eighth Circuit

No. 14-1913

United States of America

Plaintiff - Appellee

v.

Robert Buss

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Dubuque

Submitted: November 10, 2014

Filed: November 19, 2014

[Unpublished]

Before RILEY, Chief Judge, BEAM and GRUENDER, Circuit Judges.

PER CURIAM.

Robert Buss challenges as unreasonable his 240-month sentence, imposed following his guilty plea to distributing child pornography in violation of 18 U.S.C. § 2252. Buss alleges that the sentence, which was actually below the calculated Guidelines range of 292 to 365 months due to the statutory maximum, is substantively

unreasonable. Buss argues the district court¹ refused to give weight to the mitigating elements of 18 U.S.C. § 3553(a) unless they were "extraordinary," while not applying the same standard to the aggravating components of § 3553(a).

We review the substantive reasonableness of Buss's sentence for an abuse of discretion. United States v. Pappas, 715 F.3d 225, 229 (8th Cir. 2013). We must first ensure that the district court committed no significant procedural error, and then consider "the totality of the circumstances" in determining if an abuse of discretion occurred. Gall v. United States, 552 U.S. 38, 51 (2007). "A sentence within the advisory guidelines range is presumptively reasonable on appeal." Pappas, 715 F.3d at 230. Having thoroughly reviewed the record, we find Buss's arguments to be without merit. The district court carefully considered the § 3553(a) factors as applied to Buss, both mitigating and aggravating, in imposing the sentence. No abuse of discretion has occurred, and we affirm Buss's presumptively reasonable sentence.

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