

United States Court of Appeals
For the Eighth Circuit

No. 14-2368

United States of America

Plaintiff - Appellee

v.

Benjamin Walker

Defendant - Appellant

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

Submitted: February 13, 2015

Filed: March 5, 2015

[Unpublished]

Before MURPHY, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Benjamin Walker directly appeals after he pled guilty to a drug-related conspiracy charge, and the district court¹ sentenced him to a prison term within the

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

calculated Guidelines range. Walker's counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of Walker's sentence.

Upon careful review, we conclude that the district court did not abuse its discretion in sentencing Walker. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (describing appellate review of sentences); see also United States v. Bridges, 569 F.3d 374, 379 (8th Cir. 2009) (district court has wide latitude to weigh 18 U.S.C. § 3553(a) factors); cf. United States v. Pilcher, 587 Fed. Appx. 349, 350 (8th Cir. 2014) (unpublished per curiam) (affirming where district court declined to apply then-proposed Guidelines Amendment 782; citing 18 U.S.C. § 3582(c)(2)). In addition, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues. Accordingly, the judgment is affirmed.

As for counsel's motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement The Criminal Justice Act of 1964. We therefore deny counsel's motion to withdraw as premature, without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Amendment.
