

United States Court of Appeals
For the Eighth Circuit

No. 15-2776

United States of America

Plaintiff - Appellee

v.

Victor Manuel Varela-Arzola, also known as Hector Varela, also known as Jose Torres Varela, also known as Jose Torres, also known as Jose V. Torres, also known as Victor Varela, also known as Many Vaarela, also known as Victor Marin, also known as Hector Rodriguez

Defendant - Appellant

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

Submitted: February 24, 2016

Filed: March 1, 2016

[Unpublished]

Before BENTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Victor Varela-Arzola appeals after he pleaded guilty to an immigration offense and the District Court¹ imposed a within-Guidelines-range sentence. His counsel has moved for leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), generally challenging Varela-Arzola’s sentence. Varela-Arzola has filed a supplemental brief arguing—in reference to a supervised-release revocation sentence imposed at the same hearing—that he should have received concurrent, rather than consecutive, sentences.

After careful review, we conclude that the District Court did not commit any significant procedural sentencing error or impose a substantively unreasonable sentence. See United States v. David, 682 F.3d 1074, 1076–77 (8th Cir. 2012) (discussing appellate review of sentencing decisions); United States v. Becker, 636 F.3d 402, 408 (8th Cir. 2011) (“[A] district court has the discretion to impose a sentence concurrently or consecutively based on the same [18 U.S.C.] § 3553(a) factors as other sentencing decisions.”). Furthermore, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), and we find no nonfrivolous issues.

Accordingly, we grant counsel’s motion for leave to withdraw, and we affirm.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.