

United States Court of Appeals
For the Eighth Circuit

No. 15-2969

United States of America

Plaintiff - Appellee

v.

Gerardo Lopez-Martinez, also known as Eduardo Espinoza

Defendant - Appellant

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

Submitted: January 8, 2016

Filed: February 2, 2016

[Unpublished]

Before LOKEN, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Gerardo Lopez-Martinez appeals the sentence imposed after he pleaded guilty to unlawful use of an identification document and misuse of a social security number.

The district court¹ sentenced him to time served and 3 years of supervised release. Counsel has moved to withdraw, and in a brief filed under Anders v. California, 386 U.S. 738 (1967), argues that the court committed plain procedural error by failing to adequately explain the reasons for Lopez-Martinez’s sentence, and that the sentence is substantively unreasonable.

“We will not sustain a procedural challenge to the district court’s discussion of the 18 U.S.C. § 3553(a) sentencing factors by a defendant who did not object to the adequacy of the court’s explanation at sentencing.” United States v. Maxwell, 778 F.3d 719, 734 (8th Cir. 2015). Further, nothing in the record indicates that the court overlooked a relevant sentencing factor, considered an improper factor, or committed a clear error of judgment, in fashioning Lopez-Martinez’s sentence. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (abuse-of-discretion review of substantive reasonableness of sentence). Finally, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

The judgment is affirmed, and we grant counsel’s motion to withdraw.

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