

United States Court of Appeals
For the Eighth Circuit

No. 16-3135

United States of America

Plaintiff - Appellee

v.

Debra Lynn Goodman, also known as Debra Lynn Smith, also known as Debrah Lynne Smith, also known as Debra Lynn Holland, also known as Isabell Kesari Gervais, also known as Isabell Kesari Scott

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: December 21, 2016
Filed: December 28, 2016
[Unpublished]

Before SHEPHERD, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

Debra Goodman appeals after she pleaded guilty to a passport-related offense and the district court¹ imposed a sentence including a within-Guidelines-range prison term and a fine. Her counsel has moved for leave to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting that the district court plainly erred in imposing the fine, due to Goodman’s inability to pay. Goodman has filed a pro se brief challenging the fine, asserting procedural errors in the Guidelines calculations, and arguing that she should have been sentenced to probation. She also has filed a motion essentially seeking appointment of new counsel.

Upon careful review, we conclude that there is no basis on which to set aside any aspect of Goodman’s sentence. See United States v. Callaway, 762 F.3d 754, 759-60 (8th Cir. 2014) (within-Guidelines-range prison term may be presumed reasonable); United States v. Allmon, 500 F.3d 800, 807-08 (8th Cir. 2007) (discussing review of fines). Furthermore, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we deny Goodman’s motion, grant counsel’s motion to withdraw, and affirm the judgment.

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.