

United States Court of Appeals
For the Eighth Circuit

No. 16-4139

United States of America

Plaintiff - Appellee

v.

Jedediah Stout

Defendant - Appellant

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

Submitted: October 26, 2017

Filed: October 31, 2017

[Unpublished]

Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Jedediah Stout directly appeals the sentence the district court¹ imposed after he pleaded guilty to arson and other offenses. His counsel has moved for leave to

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), questioning the substantive reasonableness of Stout’s prison term and the propriety of a restitution order.

Upon careful review,² we conclude that the district court did not impose a substantively unreasonable sentence, *see United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing sentence under deferential abuse-of-discretion standard; discussing substantive reasonableness), and that the court did not err in ordering restitution, *see* 18 U.S.C. § 3663A(c) (authorizing restitution). In addition, having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel leave to withdraw, and we affirm.

²We decline to enforce an appeal waiver in Stout’s plea agreement. *See United States v. Boneshirt*, 662 F.3d 509, 515-16 (8th Cir. 2011).