

United States Court of Appeals  
For the Eighth Circuit

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No. 16-4524

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United States of America

*Plaintiff - Appellee*

v.

Antonio Deshawn Thomas

*Defendant - Appellant*

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Appeal from United States District Court  
for the Southern District of Iowa - Davenport

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Submitted: February 6, 2018

Filed: February 14, 2018

[Unpublished]

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Before BENTON, MURPHY, and ERICKSON, Circuit Judges.

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PER CURIAM.

Antonio Thomas directly appeals the within-Guidelines-range sentence the district court<sup>1</sup> imposed after he pled guilty to drug and firearm offenses. His counsel

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<sup>1</sup>The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.

has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting that an error under Federal Rule of Criminal Procedure 11(b)(1)(B) occurred during the change-of-plea hearing, and that Thomas's sentence was substantively unreasonable.

Upon careful review, we conclude that no plain error occurred, see United States v. Dominguez Benitez, 542 U.S. 74, 76 (2004) (plain-error standard applies where Rule 11 omission was not preserved by timely objection; defendant must show that, but for such omission, he would not have entered plea); and that Thomas's sentence is not substantively unreasonable, 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); see also United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines-range sentence is presumed reasonable). In addition, we have independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw and affirm.

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