

United States Court of Appeals
For the Eighth Circuit

No. 17-3286

United States of America

Plaintiff - Appellee

v.

Carl Merlo

Defendant - Appellant

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

Submitted: April 19, 2018

Filed: April 24, 2018

[Unpublished]

Before GRUENDER, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Carl Merlo directly appeals after he pleaded guilty to a child-pornography charge and the district court¹ varied downward from the calculated Guidelines range

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

to impose an 87-month prison term. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Merlo’s sentence is substantively unreasonable, as the court should have varied downward further in light of various mitigating factors.

Upon careful review, we conclude that the district court did not impose an unreasonable sentence. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing a sentence under the deferential abuse-of-discretion standard and discussing substantive reasonableness); *see also United States v. McCauley*, 715 F.3d 1119, 1127 (8th Cir. 2013) (noting that when the district court has varied below the Guidelines range, it is “nearly inconceivable” that the court abused its discretion in not varying downward further).

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.