

United States Court of Appeals
For the Eighth Circuit

No. 18-1171

United States of America

Plaintiff - Appellee

v.

Gustavo Gutierrez Hernandez, also known as Gustavo Hernandez Gutierrez, also
known as Gustavo Hernandez-Gutierrez

Defendant - Appellant

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

Submitted: November 5, 2018
Filed: November 13, 2018
[Unpublished]

Before LOKEN, BENTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Gustavo Gutierrez Hernandez directly appeals the sentence the district court¹ imposed after he pleaded guilty to a drug offense. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable.

After careful review, we conclude that the district court did not impose an unreasonable sentence, as there was no indication that it overlooked a relevant 18 U.S.C. § 3553(a) factor, or committed a clear error of judgment in weighing relevant factors, see United States v. Salazar-Aleman, 741 F.3d 878, 881 (8th Cir. 2013) (standard of review); and the sentence was below the Guidelines range, see United States v. Torres-Ojeda, 829 F.3d 1027, 1030 (8th Cir. 2016). Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion and affirm.

¹The Honorable Rebecca Ebinger, United States District Judge for the Southern District of Iowa.