

United States Court of Appeals
For the Eighth Circuit

No. 18-1252

United States of America

Plaintiff - Appellee

v.

Kenneth A. Birch

Defendant - Appellant

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

Submitted: August 3, 2018

Filed: August 7, 2018

[Unpublished]

Before WOLLMAN, BOWMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

Kenneth Birch directly appeals the sentence the district court¹ imposed after he pleaded guilty to a firearm offense and was sentenced at the bottom of the calculated

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.

Guidelines range. Birch's counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of Birch's sentence.

Upon careful review, 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) (sentences are reviewed 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 may be presumed reasonable). In addition, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal. Accordingly, we grant counsel leave to withdraw, and we affirm.
