

United States Court of Appeals
For the Eighth Circuit

No. 18-1798

United States of America

Plaintiff - Appellee

v.

Jerry Joey Oliver

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Ft. Smith

Submitted: October 3, 2018

Filed: October 9, 2018

[Unpublished]

Before WOLLMAN, GRUENDER, and STRAS, Circuit Judges.

PER CURIAM.

Jerry Oliver directly appeals the within-Guidelines-range sentence the district court¹ imposed after he pleaded guilty to being a felon in possession of explosive

¹The Honorable P.K. Holmes, III, Chief Judge, United States District Court for the Western District of Arkansas.

materials. Oliver's counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the reasonableness of Oliver's sentence.

Upon careful review, we conclude that the district court did not abuse its discretion. *See United States v. Feemster*, 572 F.3d 455, 461–62 (8th Cir. 2009) (en banc) (explaining that sentences, whether inside or outside the Guidelines range, are reviewed under a deferential abuse-of-discretion standard). The record establishes that the district court adequately considered the sentencing factors listed in 18 U.S.C. § 3553(a). *See United States v. Wohlman*, 651 F.3d 878, 887 (8th Cir. 2011) (explaining that a district court need not mechanically recite the 18 U.S.C. § 3553(a) factors). And we presume on appeal that a sentence within the Guidelines range is substantively reasonable. *See United States v. Callaway*, 762 F.3d 754, 760 (8th Cir. 2014).

We have also independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and there are no non-frivolous issues for appeal. Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.
