

United States Court of Appeals  
For the Eighth Circuit

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No. 18-2177

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United States of America

*Plaintiff - Appellee*

v.

Alberto Colina, Jr.

*Defendant - Appellant*

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

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Submitted: January 4, 2019

Filed: January 9, 2019

[Unpublished]

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Before GRUENDER, WOLLMAN, and ERICKSON, Circuit Judges.

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PER CURIAM.

Alberto Colina directly appeals after he pleaded guilty to two firearm charges and the district court<sup>1</sup> sentenced him to two consecutive statutory-maximum prison

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<sup>1</sup>The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

terms, which resulted in a total amount of prison time within his Guidelines range. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), essentially challenging the reasonableness of Colina's sentence, including the imposition of consecutive prison terms.

Upon careful review, we conclude that the district court did not impose an unreasonable amount of prison time. 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); United States v. Wohlman, 651 F.3d 878, 887 (8th Cir. 2011) (court need not mechanically recite 18 U.S.C. § 3553(a) factors, so long as it is clear from record that court actually considered them in determining sentence). We further conclude that it was not unreasonable for the district court to impose consecutive prison terms. See 18 U.S.C. § 3584(a) (if multiple terms of imprisonment are imposed on defendant at the same time, terms may run concurrently or consecutively; in determining whether terms imposed are to be ordered to run concurrently or consecutively, court shall consider § 3553(a) factors).

Finally, having independently reviewed the record under 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.