

United States Court of Appeals
For the Eighth Circuit

No. 18-2586

United States of America,

Plaintiff - Appellee,

v.

Martez Butler,

Defendant - Appellant.

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

Submitted: February 25, 2019

Filed: February 28, 2019

[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Martez Butler pleaded guilty to a firearms offense, and the district court¹ sentenced him to a term of imprisonment within the advisory guideline range. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence. Butler has filed a pro se brief.

Upon careful review, we conclude that the district court did not err in sentencing Butler. Because Butler possessed a firearm in connection with another offense, the court properly applied the cross reference of USSG § 2K2.1(c) in calculating his guideline range. *See* U.S.S.G. § 2K2.1 comment. (n.14(C)); *United States v. Howell*, 606 F.3d 960, 964 (8th Cir. 2010). The court also correctly calculated Butler’s criminal history. *See* USSG §§ 4A1.1, 4A1.2.

We further conclude that the district court did not abuse its discretion by imposing a substantively unreasonable sentence. *See generally United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc). The district court adequately considered the sentencing factors listed in 18 U.S.C. § 3553(a), and we presume that a sentence within the advisory range is 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.

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