

United States Court of Appeals
For the Eighth Circuit

No. 19-1109

United States of America

Plaintiff - Appellee

v.

Anibal Carbajal-Galvan

Defendant - Appellant

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

Submitted: July 24, 2019

Filed: July 29, 2019

[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Anibal Carbajal-Galvan directly appeals after he pled guilty to illegal reentry, and the district court¹ sentenced him to a prison term below the calculated United

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

States Sentencing Commission Guidelines Manual range. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), questioning whether Carbajal-Galvan received ineffective assistance of counsel, and whether Carbajal-Galvan's prison term is substantively unreasonable.

Initially, we decline to consider any ineffective-assistance claims on direct appeal. *See United States v. Hernandez*, 281 F.3d 746, 749 (8th Cir. 2002) (noting generally an ineffective-assistance claim, not cognizable on direct appeal, is properly raised in 28 U.S.C. § 2255 action). We further conclude 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) (reviewing sentence under deferential abuse-of-discretion standard and discussing substantive reasonableness). In addition, having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm.
