

United States Court of Appeals  
For the Eighth Circuit

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No. 19-1672

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United States of America

*Plaintiff - Appellee*

v.

Jordan L. Mahathath

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Missouri - Cape Girardeau

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Submitted: November 7, 2019

Filed: November 13, 2019

[Unpublished]

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Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

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PER CURIAM.

Jordan Lee Mahathath appeals the above-Guidelines sentence the district court<sup>1</sup> imposed after he pled guilty to being a felon in possession of a firearm. Counsel has

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<sup>1</sup>The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence as an abuse of discretion and substantively unreasonable. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court concludes that the district court did not abuse its discretion in sentencing Mahathath, as the record reflects the district court properly considered the 18 U.S.C. § 3553(a) factors. *See United States v. Feemster*, 572 F.3d 455, 461-62, 464 (8th Cir. 2009) (en banc) (appellate court first ensures no significant procedural error occurred, then considers substantive reasonableness of sentence under deferential abuse-of-discretion standard); *see also United States v. Thorne*, 896 F.3d 861, 862-63 (8th Cir. 2018) (per curiam) (affirming upward variance of 83 months where court properly weighed § 3553(a) factors); *United States v. Mangum*, 625 F.3d 466, 469-70 (8th Cir. 2010) (upward variance was reasonable where court made individualized assessment based on the facts presented). The court has independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and finds no nonfrivolous issues for appeal.

The judgment is affirmed. Counsel's motion to withdraw is granted.

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