

United States Court of Appeals
For the Eighth Circuit

No. 19-2542

United States of America,

Plaintiff - Appellee,

v.

Sergio Sanchez Gonzalez,

Defendant - Appellant.

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: April 9, 2020

Filed: April 20, 2020

[Unpublished]

Before COLLOTON, BEAM, and KOBES, Circuit Judges.

PER CURIAM.

Sergio Sanchez Gonzalez appeals the sentence the district court¹ imposed after he pleaded guilty to illegal reentry to the United States after he was previously

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.

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

To the extent Sanchez Gonzalez's argument implies that the district court erred in failing to grant a downward departure, we conclude that because the district court was aware of its authority to depart downward, its discretionary decision not to do so is unreviewable. *See United States v. Bryant*, 606 F.3d 912, 919 (8th Cir. 2010). Upon careful review under a deferential abuse-of-discretion standard, *see Gall v. United States*, 552 U.S. 38, 41 (2007), we further conclude that the district court did not impose an unreasonable sentence. The court properly considered the factors set forth in 18 U.S.C. § 3553(a), and there is no indication that the court overlooked a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing relevant factors. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc). Finally, we have independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), and have found no nonfrivolous issues for appeal.

Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment.
