

United States Court of Appeals
For the Eighth Circuit

No. 19-3117

United States of America

Plaintiff - Appellee

v.

Adrian Chavez Oviedo, also known as Michael Mendoza

Defendant - Appellant

No. 19-3118

United States of America

Plaintiff - Appellee

v.

Adrian Chavez Oviedo, also known as Michael Mendoza

Defendant - Appellant

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

Submitted: April 9, 2020
Filed: April 16, 2020
[Unpublished]

Before COLLOTON, BEAM, and KOBES, Circuit Judges.

PER CURIAM.

In these consolidated appeals, Adrian Oviedo appeals the sentence imposed by the district court¹ after he pleaded guilty to drug and firearm offenses in two separate cases--instituted by separate indictments--which were consolidated prior to the plea hearing. His counsel has moved for leave to withdraw in each case, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable.

Upon review, we conclude that the district court did not impose a substantively unreasonable sentence, as the court properly considered the factors listed in 18 U.S.C. § 3553(a) and did not err in weighing the relevant factors. See United States v. Feemster, 572 F.3d 455, 461–62 (8th Cir. 2009) (en banc) (sentences are reviewed for substantive reasonableness under deferential abuse of discretion standard; abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors). Further, the court imposed a sentence below the Guidelines range. See United States v. McCauley, 715 F.3d 1119, 1127 (8th Cir. 2013) (noting that when district court has varied below Guidelines range, it is “nearly inconceivable” that court abused its discretion in not varying downward further).

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

We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and we find no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel's motions to withdraw.
