

United States Court of Appeals  
For the Eighth Circuit

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No. 20-3156

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United States of America

*Plaintiff - Appellee*

v.

John Thomas White

*Defendant - Appellant*

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Appeal from United States District Court  
for the District of Minnesota

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Submitted: April 7, 2021

Filed: April 15, 2021

[Unpublished]

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Before COLLOTON, BENTON, and STRAS, Circuit Judges.

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PER CURIAM.

John White received a 168-month prison sentence after he pleaded guilty to possession with intent to distribute a controlled substance. *See* 21 U.S.C. §§ 841(a)(1), (b)(1)(A). White's counsel requests permission to withdraw and, in an *Anders* brief, suggests that the sentence is substantively unreasonable. *See Anders v. California*, 386 U.S. 738 (1967). We affirm.

We conclude that White’s sentence is substantively reasonable. *See United States v. McKanry*, 628 F.3d 1010, 1022 (8th Cir. 2011) (recognizing that “it is nearly inconceivable” that once a district court has varied downward, it “abuse[s] its discretion in not varying downward [even] further” (quotation marks omitted)). The record establishes that the district court<sup>1</sup> sufficiently considered the statutory sentencing factors, 18 U.S.C. § 3553(a), and did not rely on an improper factor or commit a clear error of judgment. *See United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc).

Finally, we have independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75, 82–83 (1988). We accordingly affirm the judgment of the district court and grant counsel permission to withdraw.

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<sup>1</sup>The Honorable Eric C. Tostrud, United States District Judge for the District of Minnesota.