

United States Court of Appeals
For the Eighth Circuit

No. 21-1426

United States of America

Plaintiff - Appellee

v.

Gabriel Mata-Becerra

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Western

Submitted: June 29, 2021

Filed: July 6, 2021

[Unpublished]

Before ERICKSON, MELLOY, and STRAS, Circuit Judges.

PER CURIAM.

Gabriel Mata-Becerra received a 51-month prison sentence after he pleaded guilty to conspiring to distribute a controlled substance. *See* 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846. Mata-Becerra'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 Mata-Becerra’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 court¹ 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.

¹The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.