

United States Court of Appeals  
For the Eighth Circuit

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No. 21-1701

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United States of America

*Plaintiff - Appellee*

v.

Heather Valentine Simmons

*Defendant - Appellant*

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

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Submitted: October 6, 2021

Filed: October 14, 2021

[Unpublished]

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Before ERICKSON, GRASZ, and STRAS, Circuit Judges.

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PER CURIAM.

Heather Simmons appeals the sentence the district court<sup>1</sup> imposed after she pled guilty to a drug offense. Her counsel has moved to withdraw and has filed a

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<sup>1</sup>The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.

brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence. Simmons has also filed a pro se motion seeking appointment of new counsel.

After careful review, we conclude the district court did not abuse its discretion in sentencing Simmons. See *United States v. Brown*, 992 F.3d 665, 673 (8th Cir. 2021) (standard of review). We have also considered the issues raised in Simmons's pro se motion and conclude appointment of new counsel is not warranted. Furthermore, having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we deny Simmons's pro se motion, grant counsel leave to withdraw, and affirm.

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