

United States Court of Appeals
For the Eighth Circuit

No. 21-2426

United States of America,

Plaintiff - Appellee,

v.

Dmarquise Leuntaye Magsby,

Defendant - Appellant.

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

Submitted: December 1, 2021

Filed: December 6, 2021

[Unpublished]

Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Dmarquise Magsby appeals the sentence imposed by the district court¹ after he pleaded guilty to a firearm offense. His counsel has moved to withdraw and filed a

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

brief under *Anders v. California*, 386 U.S. 738 (1967). The brief argues that the district court erred in applying a four-level enhancement to Magsby's base offense level under USSG § 2K2.1(b)(6)(b) based on its finding that Magsby possessed a firearm in connection with another offense, namely, possession of ecstasy with intent to deliver, in violation of Iowa Code § 124.401(1). We conclude that the district court did not err in applying the enhancement; the court's finding that Magsby had the intent to deliver was supported by the evidence. *See* USSG § 2K2.1(b)(6)(B); *State v. Adams*, 554 N.W.2d 686, 691-92 (Iowa 1996).

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 motion to withdraw.
