

United States Court of Appeals
For the Eighth Circuit

No. 22-3280

United States of America

Plaintiff Appellee

v.

John Herman Soper

Defendant Appellant

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

Submitted: March 6, 2023

Filed: March 9, 2023

[Unpublished]

Before BENTON, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

John Soper appeals the sentence imposed by the district court¹ after he pleaded guilty to drug and firearm offenses. His counsel has moved for leave to withdraw,

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

and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable.

Upon careful 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) (reviewing sentences for substantive reasonableness under deferential abuse of discretion standard; abuse of discretion occurs when the court fails to consider relevant factor, gives significant weight to an improper or irrelevant factor, or commits a clear error of judgment in weighing the 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 the district court has varied below the Guidelines range, it is “nearly inconceivable” that the court abused its discretion in not varying further).

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 the judgment, and we grant counsel’s motion to withdraw.
