

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 05-1480

United States of America,

Appellee,

v.

Ernesto Lara-Valenzuela, also known
as Manuel Hurtado-Millan, also known
as Negro, also known as Mario
Martinez, also known as Manuel
Hurtado,

Appellant.

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* Appeal from the United States
* District Court for the
* District of South Dakota.
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* [UNPUBLISHED]
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Submitted: January 3, 2006
Filed: January 10, 2006

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Ernesto Lara-Valenzuela challenges the sentence the district court¹ imposed after he pleaded guilty to conspiring to distribute 50 or more grams of a mixture containing methamphetamine, and cocaine (amount unspecified), in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846. His counsel has moved to withdraw and filed

¹The Honorable Richard H. Battey, United States District Judge for the District of South Dakota.

a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Lara-Valenzuela's sentence is unreasonable.

The sentence is not unreasonable. The district court gave Lara-Valenzuela a sentence within the applicable advisory Guidelines range, stated that it had considered the sentencing factors listed in 18 U.S.C. § 3553(a), and heard argument from counsel regarding Lara-Valenzuela's criminal history and drug addiction. See United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir. 2005) (Guidelines sentence based on § 3553(a) factors is presumptively reasonable), cert. denied, 2005 WL 3067440 (U.S. Dec. 12, 2005) (No. 05-7506).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.
