

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

No. 05-2235

United States of America,	*
	*
Appellee,	*
	* Appeal from the United States
v.	* District Court for the
	* District of Nebraska.
Fernando Rios-Serna,	*
	* [UNPUBLISHED]
Appellant.	*

Submitted: January 5, 2006
Filed: January 11, 2006

Before MELLOY, HANSEN, and GRUENDER, Circuit Judges.

PER CURIAM.

Fernando Rios-Serna pleaded guilty to conspiring to distribute and possess with intent to distribute at least 500 grams of methamphetamine, in violation of 21 U.S.C. § 846. The district court¹ sentenced him at the bottom of the advisory Guidelines range to 108 months in prison and 5 years of supervised release. On appeal, his counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967). For the reasons discussed below, we grant counsel's motion and affirm.

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

Counsel argues that the sentence imposed is unreasonable under the standard of review announced in United States v. Booker, 543 U.S. 220 (2005). However, a sentence within the advisory Guidelines range is presumptively reasonable, and we conclude that Rios-Serna has not satisfied his burden to rebut that presumption of reasonableness. See United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir. 2005), cert. denied, 2005 WL 3067440 (U.S. Dec. 12, 2005) (No. 05-7506).

After reviewing the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment of the district court.
