

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1562

United States of America,

Appellee,

v.

Jorge Magana-Suarez,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: March 20, 2006

Filed: March 20, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Jorge Magana-Suarez (Magana) appeals the 30-month sentence the district court¹ imposed upon his guilty plea to illegal re-entry after deportation in violation of 8 U.S.C. § 1326(a). Magana's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of the sentence (which was at the top of the advisory Sentencing Guidelines range) in light of Magana's cultural assimilation.

¹The Honorable Ronald E. Longstaff, Chief Judge, United States District Court for the Southern District of Iowa.

We conclude the sentence is not unreasonable. See United States v. Haack, 403 F.3d 997, 1004 (8th Cir.) (standard of review), cert. denied, 126 S. Ct. 276 (2005). The district court calculated the Guidelines imprisonment range and took that range into account, along with other 18 U.S.C. § 3553(a) factors and Magana's cultural-assimilation argument, in determining the sentence. See United States v. Booker, 543 U.S. 220, 260-62 (2005) (§ 3553(a) factors will guide reasonableness review).

Having reviewed the record under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.
