

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3591

United States of America,

Appellee,

v.

Jerry L. Jones,

Appellant.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: October 3, 2006
Filed: October 4, 2006

Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Jerry L. Jones appeals the sentence the district court¹ imposed after he pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and has moved to withdraw. Counsel argues that Jones's 37-month sentence is unreasonable because the court improperly applied an obstruction-of-justice enhancement.

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.

We conclude that the enhancement was proper in light of Jones's undisputed presentencing conduct, which included using drugs and failing to appear for a court hearing to show cause why his bond should not be revoked. See United States v. Thomas, 72 F.3d 92, 93 (8th Cir. 1995) (per curiam) (whether obstruction-of-justice enhancement applies to specific conduct is reviewed de novo; affirming enhancement where, after pleading guilty and being released on bail, defendant tested positive for drugs and absconded for three months). Further, Jones fails to rebut the presumption that the sentence is reasonable. See United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir.) (sentence within Guidelines range gives rise to presumption of reasonableness, which defendant must rebut), cert. denied, 126 S. Ct. 840 (2005).

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