

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3085

United States of America,

Appellee,

v.

Anthony James Smith,

Appellant.

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

[UNPUBLISHED]

Submitted: June 6, 2007
Filed: June 22, 2007

Before RILEY, HANSEN, and MELLOY, Circuit Judges.

PER CURIAM.

Anthony James Smith appeals the within-advisory-Guidelines-range sentence of 324 months in prison and 4 years of supervised release that the district court¹ imposed at resentencing after this court remanded the case in light of United States v. Booker, 543 U.S. 220 (2005). His counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), and has moved to withdraw, and Smith has filed a pro se supplemental brief. For the reasons discussed below, we affirm.

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

With or without the presumption of reasonableness that attaches to a sentence within the advisory Guidelines range, Smith has not shown that the district court based the sentence on an improper or irrelevant factor or failed to consider a relevant factor under 18 U.S.C. § 3553(a). See United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir.), cert. denied, 126 S. Ct. 840 (2005).

After reviewing the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), as well as considering Smith's pro se supplemental brief, we conclude that there are no non-frivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
