

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

No. 05-4137

United States of America,

Appellee,

v.

Felix Valerio-Dominguez,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: October 3, 2007
Filed: October 12, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

Felix Valerio-Dominguez (Valerio-Dominguez) appeals the 30-month prison sentence the district court¹ imposed after Valerio-Dominguez pled guilty to (1) re-entering the United States as a previously deported alien, in violation of 8 U.S.C. § 1326; and (2) possessing a firearm as an illegal alien, in violation of 18 U.S.C. §§ 922(g). In a brief filed under Anders v. California, 386 U.S. 738 (1967), Valerio-Dominguez's counsel seeks permission to withdraw.

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

We conclude the district court properly calculated Valerio-Dominguez's advisory Guidelines sentencing range and the within-Guidelines sentence is not unreasonable, because nothing in the record suggests the court overlooked a relevant factor, gave significant weight to an improper factor, or made a clear error of judgment in imposing the sentence. See Rita v. United States, 127 S. Ct. 2456, 2462-68 (2007) (allowing appellate presumption of reasonableness for within-Guidelines sentences); United States v. Haack, 403 F.3d 997, 1004 (8th Cir. 2005) (declaring the factors used to review a sentence for reasonableness). After reviewing the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

We grant counsel leave to withdraw, and we affirm.
