

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

No. 07-1491

United States of America,

Appellee,

v.

Raymond Mendoza, also known as
Raymond Otero, also known as 619,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: November 26, 2007
Filed: December 7, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Raymond Mendoza challenges the 110-month prison sentence the district court¹ imposed after he pleaded guilty to distributing in excess of 5 grams of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii).² Mendoza's

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

²Mendoza also admitted using a 1993 Cadillac Eldorado in the commission of a controlled-substance offense in violation of 21 U.S.C. § 853, and to violating the terms of supervised release on a previous conviction. The district court ordered

counsel has sought permission to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred by failing to sentence Mendoza to the statutory minimum of 60 months.

We conclude that Mendoza's sentence, which was at the bottom of the properly calculated advisory Guidelines range, is reasonable. See Rita v. United States, 127 S. Ct. 2456, 2462 (2007); United States v. Harris, 493 F.3d 928, 932 (8th Cir. 2007). The district court expressly considered relevant factors under 18 U.S.C. § 3553(a), and ruled out a sentence below the Guidelines range because of Mendoza's prior felony convictions, the dangers of methamphetamine, and the need to deter him from further criminal behavior. See 18 U.S.C. § 3553(a)(1), (2)(A)-(B). Nothing in the record suggests that the district court misapplied the relevant factors. See Harris, 493 F.3d at 932-33. After reviewing the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm, and we grant counsel's request to withdraw.

forfeiture of the Cadillac and sentenced Mendoza to a consecutive 24-month term of imprisonment. The revocation sentence is not at issue in this appeal.