

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3326

United States of America,	*	
	*	
Appellee,	*	
	*	
v.	*	Appeal from the United States
	*	District Court for the
Jose Tomas Cuautle-Robles,	*	Western District of Missouri.
	*	
Appellant.	*	[UNPUBLISHED]

Submitted: February 21, 2008
Filed: February 25, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

Jose Tomas Cuautle-Robles appeals the 15-month prison sentence the district court¹ imposed after he pleaded guilty to aiding and abetting the transportation of illegal aliens within the United States, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii), (A)(v)(II), and (B)(ii). His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967). For the following reasons, we affirm.

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

First, the district court did not clearly err in denying Cuautle-Robles's request for a mitigating-role reduction because he failed to prove he played a minimal or minor role in the offense; instead, he admitted to knowingly aiding others in transporting illegal aliens and keeping track of payments for the trip. See United States v. Godinez, 474 F.3d 1039, 1042 (8th Cir. 2007) (standard of review; defendant bears burden to prove he played minor role).

Second, we conclude that Cuautle-Robles's within-Guidelines-range sentence is not unreasonable: nothing in the record indicates the district court overlooked a relevant factor, gave significant weight to an improper factor, or made a clear error of judgment in weighing appropriate factors. See Rita v. United States, 127 S. Ct. 2456, 2462-68 (2007); United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005).

After reviewing the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel leave to withdraw, and we affirm the district court's judgment.
