

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3355

United States of America,

Appellee,

v.

Noe Hernandez-Romero,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.
[UNPUBLISHED]

Submitted: March 31, 2009

Filed: April 10, 2009

Before WOLLMAN, MURPHY, and MELLOY, Circuit Judges.

PER CURIAM.

Noe Hernandez-Romero pleaded guilty to conspiring to distribute at least 500 grams of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1), and 846. The district court¹ imposed a 70-month prison term and 5 years of supervised release. On appeal, Hernandez-Romero's counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the prison sentence is unreasonable.

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

We conclude that the sentence, which was at the bottom of the advisory Guidelines range, is not unreasonable. See Rita v. United States, 127 S. Ct. 2456, 2462 (2007); United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir. 2005). The district court considered relevant factors under 18 U.S.C. § 3553(a), and nothing in the record suggests that the court misapplied those factors. See United States v. Haack, 403 F.3d 997, 1004 (8th Cir. 2005).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm the district court's judgment, and we grant counsel leave to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari.
