

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1572

United States of America,

Appellee,

v.

Johnny Vega,

Appellant.

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

[UNPUBLISHED]

Submitted: July 21, 2009

Filed: July 24, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Johnny Vega appeals the 188-month prison sentence the district court¹ imposed after he pleaded guilty, pursuant to a plea agreement, to a drug-possession charge. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Vega's sentence, which is at the low end of the applicable advisory Guidelines range, is greater than necessary to meet federal sentencing goals and is therefore unreasonable.

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

We conclude that Vega’s challenge to his sentence is foreclosed because he agreed in the plea agreement to a sentence at the low end of the applicable Guidelines range. See United States v. Reyes-Contreras, 349 F.3d 524, 525 (8th Cir. 2003) (per curiam) (defendant could not challenge sentence on appeal because he received precisely what he bargained for in plea agreement); United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 2005) (“A defendant who explicitly and voluntarily exposes himself to a specific sentence may not challenge that punishment on appeal”). In any event, Vega’s sentence is not unreasonable. See United States v. Toothman, 543 F.3d 967, 970 (8th Cir. 2008) (within-Guidelines-range sentence is presumptively reasonable on appeal); United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (discussing appropriate considerations at sentencing).

Accordingly, we grant counsel’s motion to withdraw, and we affirm. See 8th Cir. R. 47B.
