

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3672

United States of America,	*
	*
Appellee,	*
	*
v.	* Appeal from the United States
	* District Court for the
	* Western District of Arkansas.
Hipolito Barajas-Ortiz, also known as	*
Polo,	* [UNPUBLISHED]
	*
Appellant.	*

Submitted: November 2, 2009
Filed: November 10, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Hipolito Barajas-Ortiz challenges the within-Guidelines-range sentence imposed by the district court¹ after he pled guilty to distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). On appeal, his counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court abused its discretion by not imposing a sentence at the bottom of the Guidelines range.

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

We review the imposition of sentences under a deferential abuse-of-discretion standard, first ensuring that the district court committed no significant procedural error, and then considering the substantive reasonableness of the sentence. *See United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (listing factors that constitute abuse of discretion). We find no abuse of discretion here: the court specifically and properly addressed multiple sentencing factors under 18 U.S.C. § 3553(a), *see United States v. Gray*, 533 F.3d 942, 944 (8th Cir. 2008); the sentence was imposed within the undisputed Guidelines range, *see Rita v. United States*, 551 U.S. 338, 347-50 (2007); and there is no indication that Barajas-Ortiz would be able to rebut the resulting presumption of reasonableness, *see United States v. Cadenas*, 445 F.3d 1091, 1094 (8th Cir. 2006).

After reviewing the record independently under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.