

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-2211

United States of America,

Appellee,

v.

Fermin Jaimes-Enriquez,

Appellant.

*
*
*
* Appeal from the United States
* District Court for the
* Southern District of Iowa.
*
* [UNPUBLISHED]
*

Submitted: January 7, 2010
Filed: January 12, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Fermin Jaimes-Enriquez appeals the within-Guidelines-range sentence imposed by the district court¹ upon his guilty plea to illegally re-entering the United States after having been deported following an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2). 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 sentence was unreasonable.

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

Having carefully reviewed the record and the sentence, see United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (deferential abuse-of-discretion standard of review), we conclude that the sentence is not unreasonable, see Rita v. United States, 551 U.S. 338, 347-50 (2007) (presumption of reasonableness); United States v. Cadenas, 445 F.3d 1091, 1094 (8th Cir. 2006). Further, following our independent review of the record under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
