

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-2636

United States of America,

Appellee,

v.

Matthew M. Cunningham,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: February 18, 2010

Filed: February 25, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

After Matthew Cunningham pleaded guilty to distributing child pornography, in violation of 18 U.S.C. § 2252(a)(2), the district court¹ sentenced him to 120 months in prison and 8 years of supervised release. Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is unreasonable.

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

The sentence, which represents a substantial downward variance from the advisory Guidelines range of 188-235 months, is not unreasonable, see United States v. Lazarski, 560 F.3d 731, 733 (8th Cir. 2009); and having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues.

Accordingly, we affirm, and we grant counsel's motion to withdraw.
