

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 09-2954

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United States of America,

Appellee,

v.

Daniel Wire,

Appellant.

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

[UNPUBLISHED]

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Submitted: February 11, 2010

Filed: February 17, 2010

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Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

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PER CURIAM.

Daniel Wire pleaded guilty to using the identification documents of a deceased person to falsely apply for a passport, in violation of 18 U.S.C. § 1028A(a)(1) (2006) (Count 1), and to making a false statement in applying for the passport, in violation of 18 U.S.C. § 1542 (2006) (Count 2). The District Court<sup>1</sup> sentenced Wire to 15 months in prison on Count 2, a statutorily required consecutive sentence of 2 years in prison on Count 1, and concurrent supervised-release terms of 1 year and 3 years. On appeal, counsel has moved to withdraw and has filed a brief under Anders v.

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<sup>1</sup>The Honorable Richard E. Dorr, United States District Judge for the Western District of Missouri.

California, 386 U.S. 738 (1967), arguing that the 15-month sentence on Count 2 was greater than necessary to comply sufficiently with the purposes of 18 U.S.C. § 3553(a) (2006), and therefore was an abuse of discretion. Wire has not filed a pro se supplemental brief.

The District Court did not abuse its discretion: the 15-month sentence was imposed at the lowest point in the undisputed Guidelines range, and we see no basis upon which Wire could rebut the resulting presumption of reasonableness. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc); United States v. Sicaros-Quintero, 557 F.3d 579, 583 (8th Cir. 2009). Further, having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm, and we grant counsel's motion to withdraw.

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