

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

No. 09-2505

United States of America,

Appellee,

v.

Angel Espinosa-Lozano, also known as
Angel Espinosa, also known as Angel
Lozano, also known as Manuel
Corrales-Estrada,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Minnesota.

* [UNPUBLISHED]

Submitted: March 29, 2010
Filed: April 8, 2010

Before RILEY,¹ Chief Judge, BYE and SHEPHERD, Circuit Judges.

PER CURIAM.

Angel Espinosa-Lozano (Espinosa) pled guilty to unlawfully reentering the United States after deportation, in violation of 8 U.S.C. § 1326(a), (b)(2) and 6 U.S.C.

¹The Honorable William Jay Riley became Chief Judge of the United States Court of Appeals for the Eighth Circuit on April 1, 2010.

§§ 202(3)-(4), 557. The district court² imposed a sentence of 36 months in prison and 3 years of supervised release. On appeal, Espinosa's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence imposed was greater than necessary to satisfy the 18 U.S.C. § 3553(a) factors.

Having carefully reviewed the record, we find no abuse of discretion in the sentence and no indication the district court, in imposing a below-Guidelines-range sentence, overlooked or misapplied any relevant § 3553(a) factor, or gave significant weight to an improper or irrelevant factor. See United States v. Stults, 575 F.3d 834, 849 (8th Cir. 2009) (holding a sentence was not unreasonable where the record reflected the district court made an individualized assessment based on the facts presented and specifically addressed the defendant's proffered information in its consideration of sentencing factors), cert. denied, 130 S. Ct. 1309 (2010); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (listing the factors that constitute an abuse of discretion); cf. United States v. Sicaros-Quintero, 557 F.3d 579, 583 (8th Cir. 2009) (accord a presumption of reasonableness on appeal to a sentence at the bottom of the Guidelines range). Finding no nonfrivolous issue for appeal, see Penson v. Ohio, 488 U.S. 75, 80 (1988), we grant counsel's motion to withdraw and we affirm the judgment.

²The Honorable Patrick J. Schiltz, United States District Judge for the District of Minnesota.