

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3474

United States of America,

Appellee,

v.

Sira Noithip,

Appellant.

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

[UNPUBLISHED]

Submitted: May 21, 2010

Filed: May 26, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Sira Noithip appeals from the sentence imposed by the District Court¹ after he pleaded guilty to receiving and possessing child pornography, 18 U.S.C. § 2252(a)(2) and (a)(4)(B). Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the court's sentence is unreasonable.

Having carefully reviewed the record, we conclude that the District Court did not abuse its discretion. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir.

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

2009) (en banc) (standard of review). The court did not commit any procedural error, see United States v. Toothman, 543 F.3d 967, 970 (8th Cir. 2008) (describing factors that demonstrate procedural error), and its carefully explained sentence at the bottom of the applicable range was not unreasonable, see United States v. Sicaros-Quintero, 557 F.3d 579, 583 (8th Cir. 2009) (according presumption of reasonableness to sentence at bottom of Guidelines range); United States v. Watson, 480 F.3d 1175, 1177 (8th Cir.) (listing circumstances where sentencing court abuses its discretion resulting in unreasonable sentence), cert. denied, 552 U.S. 927 (2007).

Further, having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we affirm, and we grant counsel's motion to withdraw.
