

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2554

United States of America,

Appellee,

v.

Arthur L. Charles, II,

Appellant.

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

[UNPUBLISHED]

Submitted: November 3, 2010

Filed: November 5, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Arthur Charles challenges the sentence the district court¹ imposed after he pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). 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 greater than necessary to accomplish the sentencing goals of 18 U.S.C. § 3553(a).

¹The Honorable Gregory Kays, United States District Judge for the Western District of Missouri.

We conclude that the court did not abuse its discretion in imposing its sentence, see United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (standard of review), because we find no procedural error, see United States v. Toothman, 543 F.3d 967, 970 (8th Cir. 2008) (explaining procedural error), and Charles has not rebutted the presumption of reasonableness that attaches to his within-Guidelines-range sentence, see United States v. Linderman, 587 F.3d 896, 901 (8th Cir. 2009) (appellate presumption of reasonableness); United States v. Watson, 480 F.3d 1175, 1177 (8th Cir. 2007) (discussing abuse of discretion). Finally, having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues for appeal.

Accordingly, we affirm the district court's judgment, and we grant counsel's motion to withdraw, subject to counsel informing Charles about procedures for seeking rehearing or filing a petition for certiorari.
