

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

No. 10-2324

United States of America,

Appellee,

v.

Jason Dale Gordon,

Appellant.

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

[UNPUBLISHED]

Submitted: November 30, 2010

Filed: December 9, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

James Dale Gordon appeals the substantially below-Guidelines-range sentence the district court¹ imposed following his guilty plea to one count of knowingly distributing child pornography in violation of 18 U.S.C. § 2252(a)(2) and (b)(1). In a brief filed under Anders v. California, 386 U.S. 738 (1967), counsel argues only that the sentence is substantively unreasonable because the district court gave insufficient weight to mitigating factors in declining to grant a larger downward variance. Having carefully reviewed the sentencing record, we conclude that the court did not abuse its

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota.

discretion by imposing an unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (standard of review); United States v. Stults, 575 F.3d 834, 849 (8th Cir. 2009) (upholding below-Guidelines-range sentence), cert. denied, 130 S. Ct. 1309 (2010).

We have also reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), and found no nonfrivolous issues. Accordingly, the judgment of the district court is affirmed. We grant defense counsel's motion to withdraw, subject to counsel informing Gordon about the procedures for seeking rehearing from this court and for petitioning the Supreme Court for a writ of certiorari.
