

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

No. 10-3616

United States of America,

Appellee,

v.

Lucio Adonay Melendez, also known
as Lucio Adona Melendez-Villatoro,
also known as Jucio Adonay Melendez,
also known as Steven Sanchez,

Appellant.

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* Appeal from the United States
* District Court for the
* District of North Dakota.
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* [UNPUBLISHED]
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Submitted: March 14, 2011

Filed: March 16, 2011

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Lucio Adonay Melendez appeals the sentence the district court¹ imposed after he pled guilty to illegal reentry after deportation, in violation of 8 U.S.C. § 1326(a). Counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

¹The Honorable Ralph R. Erickson, Chief Judge, United States District Court for the District of North Dakota.

Contrary to counsel's arguments, we conclude that the district court committed no procedural error in sentencing Melendez, and that the court imposed a substantively reasonable sentence. See Gall v. United States, 552 U.S. 38, 51 (2007) (in reviewing sentence, appellate court first ensures that district court committed no significant procedural error, and then considers substantive reasonableness of sentence under abuse-of-discretion standard); United States v. Haack, 403 F.3d 997, 1004 (8th Cir. 2005) (describing ways in which court might abuse its discretion at sentencing).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues. Accordingly, we grant counsel leave to withdraw, and we affirm.
