

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

No. 11-1442

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the
v.	*	Western District of Arkansas.
	*	
Binicio Almaguer-Compean,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: September 1, 2011
Filed: September 6, 2011

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Binicio Almaguer-Compean pleaded guilty to illegally re-entering the United States after being deported following the commission of an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2). The district court¹ imposed a sentence of 41 months in prison and three years of supervised release. Almaguer appeals. His counsel has moved to withdraw, and in a brief filed under Anders v. California, 386 U.S. 738 (1967), he argues that the district court abused its discretion in imposing a substantively unreasonable sentence by not varying downward.

¹The HONORABLE JIMM LARRY HENDREN, Chief Judge, United States District Court for the Western District of Arkansas.

Almaguer has failed to rebut the presumption that his sentence, which falls at the bottom of the advisory Guidelines range, is not substantively unreasonable. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Additionally, having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, the judgment of the district court is affirmed, and we grant counsel's motion to withdraw.
