

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

---

No. 11-1963

---

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the
v.	*	Western District of Missouri.
	*	
Damien L. Yarbrough,	*	[UNPUBLISHED]
	*	
Appellant.	*	

---

Submitted: September 23, 2011  
Filed: October 4, 2011

---

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

---

PER CURIAM.

After Damien Yarbrough pleaded guilty to being a felon in possession of a firearm, the district court<sup>1</sup> sentenced him to 92 months in prison and 3 years of supervised release. Yarbrough appeals, and his counsel has moved to withdraw, submitting a brief under Anders v. California, 386 U.S. 738 (1967), in which he argues that the district court abused its discretion by failing to vary downward based on Yarbrough's youth and newfound desire for positive change.

---

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

We conclude Yarbrough 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 conducted careful review of the proceedings under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, the judgment of the district court is affirmed, and we grant counsel's motion to withdraw.

---