

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3723

United States of America,

Appellee,

v.

Jose Carreon,

Appellant.

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

[UNPUBLISHED]

Submitted: December 14, 2011

Filed: December 20, 2011

Before MURPHY, ARNOLD, and BENTON, Circuit Judges.

PER CURIAM.

Under the terms of a written plea agreement, Jose Carreon pleaded guilty to conspiring to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1), (B)(1)(A), and § 846; and entering the United States unlawfully as an alien, in violation of 8 U.S.C. § 1325(a). The district court¹ determined that Mr. Carreon was entitled to 18 U.S.C. § 3553(f) relief from the statutory minimum sentence for the drug offense, and imposed a sentence of 63 months in prison and 3 years of supervised release. His

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning whether the sentence was reasonable.

We see no indication that the district court erred in applying the advisory Sentencing Guidelines, considering the relevant sentencing factors, or explaining its sentence; and we conclude that the sentence, at the bottom of the undisputed Guidelines range, was not unreasonable. See United States v. Hull, 646 F.3d 583, 588 (8th Cir. 2011) (reviewing sentence under deferential abuse-of-discretion standard; according presumption of reasonableness to sentence within advisory Guidelines range); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (describing procedural error). Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issue. Accordingly, we affirm the judgment of the district court and we grant counsel's motion to withdraw, subject to counsel informing Mr. Carreon about procedures for seeking rehearing or filing a petition for certiorari.
