

United States Court of Appeals
For the Eighth Circuit

No. 12-1973

United States of America

Plaintiff - Appellee

v.

Jorge Tiazan-Santiago

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Joplin

Submitted: September 4, 2012

Filed: September 4, 2012

[Unpublished]

Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Jorge Tiazan-Santiago pleaded guilty to unlawfully entering the United States after having been twice deported, and following a conviction for an aggravated

felony, in violation of 8 U.S.C. § 1326(a) and (b)(2). The district court¹ sentenced him to 24 months in prison and 3 years of supervised release. Counsel has moved to withdraw, and in a brief filed under Anders v. California, 386 U.S. 738 (1967), he argues that the sentence is unreasonable, because 18 U.S.C. § 3553(a) prohibits sentences greater than necessary to sufficiently comply with the purposes of the statutory sentencing factors.

After careful review, we conclude that the district court did not abuse its discretion in imposing the 24-month sentence, which falls at the very bottom of the uncontested advisory Guidelines range: we give the sentence a presumption of reasonableness, and counsel suggests nothing to rebut the presumption. See United States v. Franik, 2012 WL 3155971, at *2 (8th Cir. Aug. 6, 2012); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Further, having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, we affirm, and we grant counsel's motion to withdraw.

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