

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2296

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United States of America

*Appellee*

v.

Jay Eugene Dietz

*Appellant*

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Appeal from United States District Court  
for the Southern District of Iowa - Davenport

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Submitted: October 16, 2012

Filed: October 23, 2012

[Unpublished]

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Before MURPHY, ARNOLD, and SMITH, Circuit Judges.

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PER CURIAM.

Jay Dietz directly appeals the below-Guidelines-range sentence the district court<sup>1</sup> imposed after he pled guilty to a child-pornography offense. His counsel has

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<sup>1</sup>The Honorable James E. Gritzner, Chief Judge, United States District Court for the Southern District of Iowa.

moved for permission to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Mr. Dietz's 150-month prison term is unreasonable.

We conclude that the district court did not impose an unreasonable sentence. See United States v. Zauner, 688 F.3d 426, 429-30 (8th Cir. 2012) (noting that, when district court varies downward from presumptively reasonable Guidelines sentence, it is nearly inconceivable that court abused its discretion in not varying downward even further); see also United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate court reviews sentences under deferential abuse-of-discretion standard; district court abuses its discretion when it fails to consider relevant factor that should have received significant weight, gives significant weight to improper or irrelevant factor, or considers only appropriate factors but in weighing them commits clear error of judgment).

Having independently reviewed the record consistent with Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issue for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm.

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