

United States Court of Appeals
For the Eighth Circuit

No. 12-2612

United States of America,

Plaintiff - Appellee,

v.

Michael D. Holiway,

Defendant - Appellant.

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

Submitted: February 7, 2013

Filed: February 14, 2013

[Unpublished]

Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

PER CURIAM.

Michael Holiway appeals the within-Guidelines-range sentence the district court¹ imposed after he pled guilty to being a felon in possession of a firearm, in

¹The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is greater than necessary to meet the statutory goals of sentencing.

Upon careful review, we find no basis for concluding that the district court imposed a sentence that was greater than necessary to meet the statutory goals of sentencing or otherwise abused its discretion in sentencing Holiway. See United States v. Gall, 552 U.S. 38, 51 (2007) (discussing appellate court review of sentencing decision under abuse-of-discretion standard; noting that appellate court may apply presumption of reasonableness to within-Guidelines-range sentence); see also United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (describing ways in which district court might be found to have committed abuse of discretion).

Finally, having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no non-frivolous issues. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
