

United States Court of Appeals
For the Eighth Circuit

No. 12-2992

United States of America

Plaintiff - Appellee

v.

Joel Ochoa-Gonzalez

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: March 20, 2013

Filed: April 1, 2013

[Unpublished]

Before LOKEN, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Joel Ochoa-Gonzales directly appeals the 168-month prison sentence the district court¹ imposed after he pled guilty to a drug charge. His counsel moved to

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court abused its discretion because the sentence was greater than necessary to meet the goals of sentencing.

The district court did not abuse its discretion. The record reflects no procedural error, and the sentence – which was below the advisory Guidelines range – is not substantively unreasonable. See *United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (in reviewing sentences, appellate court first ensures that no significant procedural error occurred, then considers substantive reasonableness of sentence under abuse-of-discretion standard); *United States v. Elodio-Benitez*, 672 F.3d 584, 586 (8th Cir. 2012) (“where a district court has sentenced a defendant below the advisory guidelines range, it is nearly inconceivable that the court abused its discretion in not varying downward still further” (quoting *United States v. Moore*, 581 F.3d 681, 684 (8th Cir. 2009))).

After an independent review of the record under *Penon v. Ohio*, 488 U.S. 75 (1988), this court finds no nonfrivolous issues for appeal. Counsel’s motion to withdraw is granted and the judgment of the district court is affirmed.
