

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3390

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United States of America

*Plaintiff - Appellee*

v.

Jose Clemente Melchor-Rueda, also known as Francisco Ferniza-Rueda

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Arkansas - Fayetteville

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Submitted: May 17, 2013

Filed: May 29, 2013

[Unpublished]

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Before LOKEN, MELLOY, and BENTON, Circuit Judges.

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PER CURIAM.

Jose Melchor-Rueda directly appeals the within-Guidelines-range sentence the district court<sup>1</sup> imposed after he pled guilty to an illegal re-entry offense, in violation

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<sup>1</sup>The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.

of 8 U.S.C. § 1326(a), (b)(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 substantively unreasonable.

Upon careful review, this court concludes that the district court did not impose a substantively unreasonable sentence. *See United States v. Feemster*, 572 F.3d 455, 460-62 (8th Cir. 2009) (en banc) (describing appellate review of sentencing decisions). Having independently reviewed the record pursuant to *Penson 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.

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