

United States Court of Appeals  
For the Eighth Circuit

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No. 13-2807

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United States of America

*Plaintiff - Appellee*

v.

Jose Maria Vega Medina

*Defendant - Appellant*

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

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Submitted: February 26, 2014

Filed: March 3, 2014

[Unpublished]

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Before BENTON, BOWMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Jose Vega Medina directly appeals the sentence that the district court<sup>1</sup> imposed after he pled guilty to an immigration offense. Counsel moves to withdraw, and in

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<sup>1</sup>The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

a brief filed under *Anders v. California*, 386 U.S. 738 (1967), counsel argues that the sentence is substantively unreasonable.

Upon careful review, this court concludes that the within-Guidelines-range sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007) (if sentence is within Guidelines range, appellate court may apply presumption of reasonableness); *United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate review of sentencing decision). Pursuant to an independent review of the record under *Penon v. Ohio*, 488 U.S. 75, 80 (1988), this court finds no nonfrivolous issues. The judgment is affirmed.

Counsel's motion to withdraw is denied without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement the Criminal Justice Act of 1964.

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