

United States Court of Appeals
For the Eighth Circuit

No. 14-1222

United States of America

Plaintiff - Appellee

v.

Patrick Eugene Allen

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: August 5, 2014

Filed: August 7, 2014

[Unpublished]

Before WOLLMAN, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Patrick Allen directly appeals the sentence the district court¹ imposed after he pled guilty to a drug offense. His counsel has moved to withdraw, and has filed a

¹The Honorable James Moody, Jr., United States District Judge for the Eastern District of Arkansas.

brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Allen’s below-Guidelines-range sentence is substantively unreasonable.

Upon careful review, we conclude that the district court did not impose an unreasonable sentence. *See United States v. Lazarski*, 560 F.3d 731, 733 (8th Cir. 2009) (substantive reasonableness of sentence is reviewed for abuse of discretion; where district court varied downward from Guidelines range, it was “nearly inconceivable” that court abused its discretion in not varying downward further). In addition, having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm.

As for counsel’s motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit’s 1994 Amendment to Part V of the Plan to Implement the Criminal Justice Act of 1964. We therefore deny counsel’s motion to withdraw as premature, without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Amendment.