

United States Court of Appeals
For the Eighth Circuit

No. 15-1230

United States of America,

Plaintiff - Appellee,

v.

Demario Dante Palmer, also known as Ramsey Bell, also known as Ramsey D. Bell, also known as Terrance Bell, also known as Terrence Bell, also known as Terrance D. Bell, also known as Demario Palmer, also known as Cotton, also known as Mike, also known as Orlandis Gwin, also known as Patrick Drivers, also known as Dontae Jones, also known as Mario Palmer, also known as Demarion Palmer, also known as Demarrion N. Palmer, also known as Elliot Holdin, also known as Demario Dontae Palmer,

Defendant - Appellant.

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

Submitted: June 24, 2015

Filed: June 30, 2015

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Demario Palmer directly appeals after he pled guilty to a drug offense, and the district court¹ sentenced him to a term of imprisonment below the calculated Guidelines range. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court improperly denied Palmer's request for a downward departure based on an overstated criminal history, and that Palmer's sentence is substantively unreasonable.

The denial of Palmer's request for a downward departure is not reviewable on appeal, as the district court recognized its authority to depart, and there is no indication that the district court had any unconstitutional motive in denying the request. *See United States v. Anderson*, 570 F.3d 1025, 1034 (8th Cir. 2009). As to the substantive reasonableness of Palmer's sentence, we conclude, upon careful review, that no abuse of discretion occurred. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc); *United States v. Moore*, 581 F.3d 681, 683 (8th Cir. 2009) (per curiam).

In addition, having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.