

United States Court of Appeals
For the Eighth Circuit

No. 15-1450

United States of America

Plaintiff - Appellee

v.

Jovan Miller

Defendant - Appellant

No. 15-1477

United States of America

Plaintiff - Appellee

v.

Jovan Miller

Defendant - Appellant

Appeals from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: August 3, 2015
Filed: August 3, 2015
[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

In these consolidated appeals, Jovan Miller challenges the below-Guidelines-range sentence the district court¹ imposed after he pled guilty to being a felon in possession of a firearm, and he challenges the consecutive sentence the district court imposed upon revoking his prior supervised release. Miller's counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), and has moved for leave to withdraw. Miller has filed a supplemental brief, and has moved for appointment of new counsel. In his supplemental brief, Miller argues that the district court committed a procedural sentencing error.

Upon careful review, we conclude that no procedural sentencing error occurred and that neither sentence is unreasonable. *See United States v. Feemster*, 572 F.3d 455, 460-61 (8th Cir. 2009) (en banc) (describing appellate review of sentencing decisions); *United States v. Lazarski*, 560 F.3d 731, 733 (8th Cir. 2009) (where district court has varied downward, "it is nearly inconceivable that the court abused its discretion in not varying downward still further"); *United States v. Miller*, 557 F.3d 910, 915-16 (8th Cir. 2009) (this court reviews revocation sentence using same standards it applies when reviewing initial sentence; decision to impose consecutive or concurrent sentence upon revocation of supervised release is committed to district court's sound discretion). In addition, we have reviewed the record independently

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

under *Penson v. Ohio*, 488 U.S. 75 (1988), and we have found no nonfrivolous issues for appeal. Accordingly, in each of these consolidated appeals, we grant counsel's motion to withdraw, we deny Miller's motion for appointment of new counsel, and we affirm the judgment.
