

United States Court of Appeals  
For the Eighth Circuit

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No. 15-3500

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United States of America

*Plaintiff - Appellee*

v.

Joshua Thomas

*Defendant - Appellant*

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

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Submitted: March 23, 2016

Filed: March 28, 2016

[Unpublished]

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Before WOLLMAN, BOWMAN, and MURPHY, Circuit Judges.

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PER CURIAM.

Joshua Thomas directly appeals the sentence imposed by the district court<sup>1</sup> after he pleaded guilty to one count of possessing child pornography. His counsel has

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<sup>1</sup>The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable. We conclude that the below-Guidelines sentence was not substantively unreasonable. See United States v. Salazar-Aleman, 741 F.3d 878, 881 (8th Cir. 2013) (under substantive review, district court abuses its discretion if it fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing factors); United States v. Lazarski, 560 F.3d 731, 733 (8th Cir. 2009) (when downward variance is granted, it is “nearly inconceivable” that court abuses discretion in not varying downward further). We have reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), and we find no nonfrivolous issues for appeal.

Accordingly, we affirm the judgment, and we grant counsel’s motion to withdraw.

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