

United States Court of Appeals
For the Eighth Circuit

No. 16-4525

United States of America

Plaintiff - Appellee

v.

Brian Swartz

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa, Waterloo

Submitted: July 18, 2017

Filed: July 20, 2017

[Unpublished]

Before WOLLMAN, LOKEN, and BENTON, Circuit Judges.

PER CURIAM.

Brian Swartz pleaded guilty to conspiring to distribute 500 grams or more of methamphetamine. The district court¹ determined that his advisory guidelines range

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

was 188 to 235 months in prison, granted the government's motion for a substantial assistance reduction, and sentenced Swartz to 144 months. He appeals the sentence, and his counsel has submitted a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in denying a mitigating-role reduction, and abused its discretion in denying a downward variance.

After careful review of the record, including Swartz's admissions of substantial involvement in the conspiracy in the plea agreement, we conclude the district court did not clearly err in denying a mitigating-role reduction, and did not abuse its discretion in declining a further downward departure or variance. We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and find no non-frivolous issues for appeal.

Accordingly, we affirm.
