

United States Court of Appeals
For the Eighth Circuit

No. 22-3655

United States of America

Plaintiff - Appellee

v.

Freddy Ciro Salinas, also known as Freddie Cero Salinas

Defendant - Appellant

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

Submitted: September 1, 2023

Filed: September 7, 2023

[Unpublished]

Before GRUENDER, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Freddy Salinas appeals after he pleaded guilty to a firearms offense, and the district court¹ sentenced him to 71 months in prison, to be followed by 3 years of

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

supervised release. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing the district court erred in calculating the Guidelines imprisonment range.

Having reviewed the record, we conclude any error in calculating Salinas's Guidelines range was harmless. See *United States v. Wardlow*, 830 F.3d 817, 822 (8th Cir. 2016) (explaining the standard of review). The district court adequately explained why the 18 U.S.C. § 3553(a) factors justified the sentence, and concluded it would have imposed the same sentence regardless of how it resolved Salinas's challenge to the calculation of the Guidelines range. See *United States v. Hamilton*, 929 F.3d 943, 948 (8th Cir. 2019) (concluding any Guidelines miscalculation was harmless when the district court stated it imposed the sentence based on the § 3553(a) factors, "regardless of the calculation of the sentencing guidelines"). Finally, we have independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), and have found no nonfrivolous issues for appeal.

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