

United States Court of Appeals
For the Eighth Circuit

No. 23-1448

United States of America

Plaintiff - Appellee

v.

Timothy Paul Bush

Defendant - Appellant

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

Submitted: October 3, 2023

Filed: October 6, 2023

[Unpublished]

Before LOKEN, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Timothy Bush appeals the sentence imposed by the district court¹ after he pleaded guilty to drug and firearm offenses. His counsel has moved to withdraw, and

¹The Honorable Stephen H. Locher, United States District Judge for the Southern District of Iowa.

has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging Bush's classification as a career offender under the Guidelines and the substantive reasonableness of the sentence. Bush has filed a pro se supplement, also contesting his classification as a career offender.

After careful de novo review, we conclude that Bush's challenge to the career-offender classification is foreclosed by this court's precedent. See United States v. Castellanos Muratella, 956 F.3d 541, 543 (8th Cir. 2020) (standard of review). This court has held that there is no requirement under the Guidelines that the particular substance underlying the state offense is also controlled under a distinct federal law. See United States v. Henderson, 11 F.4th 713, 717-19 (8th Cir. 2021). We further conclude that the sentence is not substantively unreasonable, as the court did not commit a clear error of judgment in weighing the appropriate sentencing factors, see United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc); and the sentence is below the Guidelines range, see United States v. Torres-Ojeda, 829 F.3d 1027, 1030 (8th Cir. 2016).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we affirm the judgment, and grant counsel's motion to withdraw.