

United States Court of Appeals  
For the Eighth Circuit

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No. 23-2426

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United States of America

*Plaintiff - Appellee*

v.

Richard Patrick Horton

*Defendant - Appellant*

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

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Submitted: November 15, 2023

Filed: November 20, 2023

[Unpublished]

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Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

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PER CURIAM.

Richard Horton appeals the statutory-maximum sentence imposed by the district court<sup>1</sup> after he pled guilty to a drug offense. His counsel has moved for leave

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

to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence.

Upon careful review, we conclude that the district court did not impose a substantively unreasonable sentence, as the court properly considered the factors listed in 18 U.S.C. § 3553(a), and did not err in weighing the relevant factors. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (substantive reasonableness of sentence reviewed for abuse of discretion; abuse of discretion occurs when district court fails to consider relevant factor, gives insignificant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors).

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

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