

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2156

United States of America,

Appellee,

v.

Manuel DeJesus Ocampo-Discua,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

* [UNPUBLISHED]

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Submitted: March 22, 2006

Filed: April 5, 2006

Before WOLLMAN, MURPHY, and COLLOTON, Circuit Judges.

PER CURIAM.

After a bench trial, the district court¹ found Manuel DeJesus Ocampo-Discua guilty of illegally reentering the United States after deportation, in violation of 8 U.S.C. § 1326(a), and sentenced him to 24 months in prison and a year of supervised release. This represented an upward departure under United States v. Booker, 543 U.S. 220 (2005), from the advisory Guidelines imprisonment range of 4-10 months. On appeal, Ocampo-Discua's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is unreasonable.

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

We conclude that the sentence is not unreasonable. See United States v. Dalton, 404 F.3d 1029, 1032 (8th Cir. 2005) (standard of review). The district court relied on the numerous times that Ocampo-Discua had previously been deported, as well as certain aspects of his criminal history, factors which were appropriate for the district court to consider under 18 U.S.C. § 3553(a)(1)-(2) and which justify the upward departure.

After reviewing the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
