

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3334

United States of America,

Appellee,

v.

James Diamond Wainwright,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

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* [UNPUBLISHED]

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Submitted: October 4, 2007

Filed: October 9, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

James Wainwright pleaded guilty to conspiring to commit bank fraud and other offenses, in violation of 18 U.S.C. §§ 371, 1349, and bank fraud, in violation of 18 U.S.C. § 1344. At sentencing, the district court¹ determined that Wainwright's advisory Guidelines imprisonment range was 41-51 months, noted its consideration of the 18 U.S.C. § 3553(a) factors, and sentenced Wainwright to concurrent 46-month prison terms, to be followed by 5 years of supervised release. Wainwright appeals,

¹ The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

and in a brief under *Anders v. California*, 386 U.S. 738 (1967), counsel raises issues concerning the reasonableness of Wainwright's prison sentence.

We review a sentence for reasonableness, affording a presumption of reasonableness if the sentence is within a correctly calculated Guidelines range. See *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007) (approving presumption of reasonableness for sentences within advisory Guidelines range). Upon careful review of the record, we conclude that the district court correctly calculated Wainwright's advisory Guidelines imprisonment range and reasonably sentenced him within that range. See *United States v. Two Shields*, 2007 WL 2301911, at *5 (8th Cir. Aug. 14, 2007) (defendant overcomes presumption of reasonableness if district court failed to consider relevant factor that should have received significant weight, gave significant weight to improper or irrelevant factor, or weighed appropriate factors in clearly erroneous way).

After reviewing the record independently under *Penson v. Ohio*, 488 U.S. 75 (1988), we have found no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel leave to withdraw.
