

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3280

United States of America,

Appellee,

v.

Rafael Martinez-Ogarrio,

Appellant.

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* Appeal from the United States

* District Court for the

* District of Nebraska.

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* [UNPUBLISHED]

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Submitted: April 17, 2008

Filed: April 25, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

Rafael Martinez-Ogarrio (Martinez) appeals the 18-month prison sentence the district court¹ imposed after he pleaded guilty to transporting and attempting to transport illegal aliens within the United States for commercial advantage and private gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii). His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Martinez's sentence is unreasonable.

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

We conclude that Martinez's within-Guidelines-range sentence is not unreasonable, because nothing in the record indicates the court overlooked a relevant factor, gave significant weight to an improper factor, or made a clear error of judgment in weighing appropriate factors. See Rita v. United States, 127 S. Ct. 2456, 2462-68 (2007) (allowing appellate presumption of reasonableness); United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (reasonableness factors).

After reviewing the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel leave to withdraw, and we affirm the district court's judgment.
