

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3417

United States of America,

Appellee,

v.

Julio Gonzalez-Lopez,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: March 18, 2011

Filed: March 28, 2011

Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

PER CURIAM.

Julio Gonzalez-Lopez pleaded guilty to illegally reentering the United States after having been deported following his prior conviction for an aggravated felony, in violation of 8 U.S.C. §§ 1326(a), (b)(2). The district court¹ sentenced Gonzalez-Lopez to 50 months in prison and two years of supervised release, and he appeals. Counsel seeks to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), in which he argues that the sentence is unreasonable because the court improperly weighed the sentencing factors listed in 18 U.S.C. § 3553(a).

¹The HONORABLE LINDA R. READE, Chief Judge, United States District Court for the Northern District of Iowa.

Reviewing the sentence for abuse of discretion, see Gall v. United States, 552 U.S. 38, 51 (2007), we conclude that Gonzalez-Lopez has not rebutted the presumption of reasonableness that attaches to his within-Guidelines-range sentence, and we find nothing suggesting any misapplication of the section 3553(a) factors, see United States v. Feemster, 572 F.3d 455, 461-2 (8th Cir. 2009) (en banc); United States v. Garcia, 512 F.3d 1004, 1006 (8th Cir. 2008). Further, having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, we affirm the district court's judgment, and we grant counsel's motion to withdraw, subject to counsel informing Gonzalez-Lopez about procedures for seeking rehearing or filing a petition for certiorari.
