

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2765

United States of America,

Appellee,

v.

Francisco Gomez, also known as
Francisco Mateo-Gomez, also known
as Mario Hernandez, also known as
Francisco Mateo,

Appellant.

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* Appeal from the United States
* District Court for the
* Western District of Arkansas.
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* [UNPUBLISHED]
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Submitted: February 22, 2012

Filed: February 23, 2012

Before LOKEN, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Francisco Gomez pleaded guilty to illegally re-entering the United States after being deported following the commission of an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2). The district court¹ sentenced Gomez to serve 46 months in prison and 3 years of supervised release, and ordered him to pay a \$3,000 fine.

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

Gomez then filed this appeal, in which his counsel has moved to withdraw and has submitted a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the prison sentence. We apply a presumption of reasonableness to the prison sentence, which falls at the bottom of the advisory Guidelines range, and we conclude that Gomez has failed to rebut that presumption. See Gall v. United States, 552 U.S. 38, 51 (2007). Accordingly, the substantive-reasonableness challenge fails.

We have also reviewed the record for nonfrivolous issues, as required under Penson v. Ohio, 488 U.S. 75, 80 (1988), and we find no such issues on this record. Accordingly, the judgment of the district court is affirmed, and we grant counsel's motion to withdraw.
