

United States Court of Appeals
For the Eighth Circuit

No. 16-3546

United States of America

Plaintiff - Appellee

v.

Javier Santos Garcia-Hernandez

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Sioux Falls

Submitted: April 20, 2017

Filed: April 28, 2017

[Unpublished]

Before RILEY, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Javier Santos Garcia-Hernandez (Garcia) directly appeals the judgment of the district court¹ entered upon a jury verdict finding him guilty of conspiracy to

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846. The district court sentenced Garcia at the bottom of the advisory Guidelines range to 121 months in prison, and on appeal, he challenges the reasonableness of the sentence in a brief filed under Anders v. California, 386 U.S. 738 (1967). Following careful review, we find no abuse of discretion. See United States v. Harlan, 815 F.3d 1100, 1107 (8th Cir. 2016) (standard of review; a within-Guidelines sentence is presumed reasonable on appeal). In addition, we found no nonfrivolous issue during our independent review in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988).

The judgment of the district court is affirmed, and counsel's motion to withdraw is granted.
