

United States Court of Appeals
For the Eighth Circuit

No. 17-2355

United States of America

Plaintiff - Appellee

v.

Kevin Eugene Lee

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: February 5, 2018

Filed: February 9, 2018

[Unpublished]

Before WOLLMAN, LOKEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Kevin Lee appeals after the district court¹ resentenced him, imposing a prison term within the calculated Guidelines range. His counsel has moved for leave to

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court improperly denied a motion for sealed documents and imposed a substantively unreasonable sentence. Lee has filed a supplemental brief arguing that his sentence is substantively unreasonable.

We conclude that the district court did not abuse its discretion in denying Lee's motion for sealed documents. See United States v. Spotted Elk, 548 F.3d 641, 672 (8th Cir. 2008) (abuse-of-discretion review; noting that defendant failed to show special need for sealed document in light of publicly available sources). We further conclude that the district court did not impose an unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing sentence under deferential abuse-of-discretion standard; noting that if sentence is within Guidelines range, appellate court may, but is not required to, apply presumption of reasonableness).

Finally, having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, the judgement is affirmed, and counsel's motion to withdraw is granted.
