

United States Court of Appeals
For the Eighth Circuit

No. 18-2910

United States of America

Plaintiff - Appellee

v.

James Antoine Faulkner, also known as Hot Rod

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: May 09, 2019

Filed: May 14, 2019

[Unpublished]

Before BENTON, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

James Antoine Faulkner appeals the sentence imposed by the district court¹ after his 28 U.S.C. § 2255 motion was granted. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.

Counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable. This court concludes the district court did not abuse its discretion in sentencing Faulkner because the record reflects that the district court properly considered the 18 U.S.C. § 3553(a) factors, including Faulkner’s rehabilitative efforts in prison. *See United States v. Feemster*, 572 F.3d 455, 461-62, 464 (8th Cir. 2009) (en banc) (appellate court first ensures no significant procedural error occurred, then considers substantive reasonableness of sentence under deferential abuse-of-discretion standard); *United States v. Stults*, 575 F.3d 834, 849 (8th Cir. 2009) (where court makes individualized assessment based on facts presented, addressing defendant’s proffered information in consideration of § 3553(a) factors, sentence is not unreasonable); *United States v. Lewis*, 593 F.3d 765, 773 (8th Cir. 2010) (denial of downward variance was substantively reasonable where district court considered arguments for downward variance and exercised its discretion in rejecting them). This court has independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988) and finds no nonfrivolous issues for appeal.

The judgment is affirmed. Counsel’s motion to withdraw is granted.
