

United States Court of Appeals
For the Eighth Circuit

No. 19-1608

United States of America

Plaintiff - Appellee

v.

John Paul Farias

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: December 17, 2019

Filed: December 20, 2019

[Unpublished]

Before BENTON, KELLY, and GRASZ, Circuit Judges.

PER CURIAM.

John Farias appeals after he pled guilty to a drug conspiracy offense, and the district court¹ sentenced him to a prison term below the advisory range under the

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

United States Sentencing Guidelines Manual (“Guidelines”). His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing the district court erred in applying an enhancement for Farias’s role in the offense.

We conclude the district court did not clearly err in applying a role enhancement, as the undisputed facts in the presentence report (“PSR”) established Farias was a manager or supervisor of the drug conspiracy. *See United States v. Turner*, 781 F.3d 374, 393 (8th Cir. 2015) (reviewing district court’s application of the Guidelines de novo, and its findings of fact for clear error); *United States v. Menteer*, 408 F.3d 445, 446 (8th Cir. 2005) (per curiam) (holding failure to object to facts in PSR constitutes admission of those facts).

Having independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we affirm.
