

United States Court of Appeals
For the Eighth Circuit

No. 20-2973

United States of America

Plaintiff - Appellee

v.

Omar Acosta-Ruiz

Defendant - Appellant

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

Submitted: March 3, 2021

Filed: March 8, 2021

[Unpublished]

Before BENTON, MELLOY, and KELLY, Circuit Judges.

PER CURIAM.

Omar Acosta-Ruiz appeals the within-Guidelines sentence the district court¹ imposed after he pled guilty to illegal reentry. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

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. Upon careful review, this court concludes that the district court did not impose an unreasonable sentence because the record reflects that it properly considered the factors set forth in 18 U.S.C. § 3553(a). 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; abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factor); *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). The 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.

¹The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.