

United States Court of Appeals
For the Eighth Circuit

No. 21-2241

United States of America

Plaintiff - Appellee

v.

Marcus DeShawn Harmon-Wright

Defendant - Appellant

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

Submitted: November 23, 2021

Filed: November 30, 2021

[Unpublished]

Before KELLY, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Marcus Harmon-Wright appeals the above-Guidelines sentence imposed by the district court¹ after he pled guilty to a firearms offense. His counsel has moved for

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

leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred by applying an upward departure, and that the sentence is unreasonable.

Upon careful review, we conclude that the district court did not abuse its discretion by departing upward from the Guidelines; and did not impose a substantively unreasonable sentence, as the court properly considered the factors listed in 18 U.S.C. § 3553(a), and did not err in weighing the relevant factors. See United States v. Vasquez, 552 F.3d 734, 738 (8th Cir. 2009) (departures from sentencing Guidelines are reviewed for abuse of discretion); United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (sentences are reviewed for substantive reasonableness 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 factors).

We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and we find no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel's motion to withdraw.
