

United States Court of Appeals
For the Eighth Circuit

No. 21-2052

United States of America

Plaintiff - Appellee

v.

Steven Zuber, also known as Steve Zuber

Defendant - Appellant

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

Submitted: April 12, 2022

Filed: April 28, 2022

[Unpublished]

Before LOKEN, ARNOLD, and KOBES, Circuit Judges.

PER CURIAM.

Steven Zuber pleaded guilty to conspiring to distribute methamphetamine, *see* 21 U.S.C. §§ 841(a)(1), 846, and to possessing a firearm in furtherance of a drug-trafficking offense, *see* 18 U.S.C. § 924(c)(1)(A)(i), and was sentenced as a career offender to 216 months' imprisonment. Even though the sentence that the U.S. Sentencing Guidelines recommended was between 262 and 327 months, Zuber

maintains on appeal that this sentence is substantively unreasonable. More specifically, he asserts that the district court¹ considered only sentencing criteria "that cast [him] in a negative [l]ight," and that the court's failure to give additional weight to other matters more favorable to him amounts to an abuse of discretion.

We disagree. The transcript of the sentencing hearing shows that the district court carefully considered the very matters, such as Zuber's health afflictions and his struggles dealing with his son's suicide, that Zuber says it didn't adequately consider. In fact, the district court varied down significantly from the recommended sentencing range presumably because of the mitigating circumstances involved. Where a court sentences a defendant below the Guidelines range, "it is nearly inconceivable that the court abused its discretion in not varying downward still further." *United States v. Anwar*, 880 F.3d 958, 973 (8th Cir. 2018). The district court has "wide latitude" to weigh the relevant sentencing criteria, *see United States v. Rogers*, 20 F.4th 404, 406 (8th Cir. 2021) (per curiam), and we discern no abuse of that discretion here.

Affirmed.

¹The Honorable Susan O. Hickey, Chief Judge, United States District Court for the Western District of Arkansas.