United States Court of Appeals
For the Eighth Circuit

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No. 22-1195
_____

United States of America,

Plaintiff - Appellee,

v.

Ricardo Castillo, Jr.,

Defendant - Appellant.
_____

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

Submitted: August 10, 2022
Filed: August 15, 2022
[Unpublished]
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Before COLLOTON, GRUENDER, and BENTON, Circuit Judges.
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PER CURIAM.

Ricardo Castillo, Jr., appeals after he pleaded guilty to a child pornography
offense. His counsel has moved for leave to withdraw, and has filed a brief under

Anders v. California, 386 U.S. 738 (1967), arguing that the district court[1] erred by denying his motion to suppress.

Upon careful review, we conclude that the district court did not err in denying the motion to suppress. Castillo did not show that the head of security for his former employer and the digital forensics expert who conducted a forensic examination of his work computer should be deemed agents of the government for Fourth Amendment purposes. *See United States v. Ringland*, 966 F.3d 731, 735 (8th Cir. 2020); *United States v. Weist*, 596 F.3d 906, 910 (8th Cir. 2010). We agree with the district court that Castillo did not show that the two private individuals acted solely or primarily with the intent to assist law enforcement or that the government directed them to search the computer. *See Ringland*, 966 F.3d at 736; *United States v. Highbull*, 894 F.3d 988, 992-93 (8th Cir. 2018). We also agree that Castillo did not have a reasonable expectation of privacy in his work laptop, as his employer's policies informed him that he should not expect such privacy. *See Biby v. Bd. of Regents, of Univ. of Neb.*, 419 F.3d 845, 850-51 (8th Cir. 2005).

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

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[1]The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.