

United States Court of Appeals
For the Eighth Circuit

No. 22-2208

United States of America

Plaintiff - Appellee

v.

David Alan Tafolla

Defendant - Appellant

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

Submitted: August 29, 2022

Filed: September 1, 2022

[Unpublished]

Before COLLOTON, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

David Alan Tafolla appeals the sentence the district court¹ imposed after he pleaded guilty to a drug offense. His counsel has moved for leave to withdraw and

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

has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the reasonableness of Tafolla's prison sentence.

Having reviewed the record under a deferential abuse-of-discretion standard of review, *see Gall v. United States*, 552 U.S. 38, 41, 51 (2007), we conclude Tafolla's prison sentence was not substantively unreasonable. The district court considered the statutory sentencing factors and did not overlook a relevant factor, give significant weight to an improper or irrelevant factor, or commit a clear error of judgment in weighing relevant factors. *See* 18 U.S.C. § 3553(a); *United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc); *see also United States v. Vaca*, 38 F.4th 718, 724 (8th Cir. 2022). Furthermore, the district court did not err when it declined to vary downward based on Tafolla's policy disagreement with the relevant United States Sentencing Guidelines for methamphetamine offenses. *See United States v. Sharkey*, 895 F.3d 1077, 1082 (8th Cir. 2018) (per curiam). Finally, we have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal.

Accordingly, we affirm the judgment of the district court and grant counsel's motion to withdraw.
