

United States Court of Appeals
For the Eighth Circuit

No. 22-2744

United States of America

Plaintiff - Appellee

v.

Lino Suastegui-Leon, also known as Santiago Rosario Maldonado

Defendant - Appellant

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

Submitted: November 16, 2022
Filed: December 1, 2022
[Unpublished]

Before LOKEN, MELLOY, and STRAS, Circuit Judges.

PER CURIAM.

Defendant Lino Suastegui-Leon pleaded guilty to unlawful use and possession of an identification document and misuse of a Social Security number. His counsel

requested a sentence of time-served. The district court¹ imposed a sentence of time served plus supervised release.

Counsel moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the term of incarceration. Because Suastegui-Leon appeals only the term of incarceration that his counsel requested and the district court imposed, there are no grounds for relief. See United States v. Campbell, 764 F.3d 874, 879 (8th Cir. 2014) (“Whether couched as invited error or more generally as a waiver, the result is the same—this court will not conduct plain-error review.”).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and having found no non-frivolous issues for appeal, we affirm the judgment of the district court.²

STRAS, Circuit Judge, concurring in part and dissenting in part.

To the extent Suastegui-Leon challenges the length of a now-expired term of imprisonment, we cannot grant him any relief. *See United States v. Juvenile Male*, 564 U.S. 932, 936–37 (2011) (per curiam); *Owen v. United States*, 930 F.3d 989, 990–91 (8th Cir. 2019). The issue is moot, in other words, which means we cannot decide it. *See Owen*, 930 F.3d at 990–91.

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

²We grant counsel’s pending motion to withdraw.