

United States Court of Appeals
For the Eighth Circuit

No. 22-3585

United States of America,

Plaintiff - Appellee,

v.

Shanan Smith,

Defendant - Appellant.

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

Submitted: April 6, 2023

Filed: April 12, 2023

[Unpublished]

Before COLLOTON, KELLY, and GRASZ, Circuit Judges.

PER CURIAM.

Shanan Smith appeals a sentence imposed by the district court¹ after she pleaded guilty to wire fraud. Her counsel has moved to withdraw and filed a brief

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

under *Anders v. California*, 386 U.S. 738 (1967), challenging the reasonableness of the sentence. In a pro se brief, Smith challenges the restitution order.

We conclude that Smith waived any challenge to the reasonableness of the sentence, as she received the sentence her counsel specifically requested. *See United States v. Thompson*, 289 F.3d 524, 526 (8th Cir. 2002). As to Smith's pro se argument that the restitution amount was inaccurate, we conclude that she waived the point by withdrawing her objections to the loss amounts in the presentence report and asking the district court to order \$51,000 in restitution. *See United States v. Sukhtipyaroge*, 1 F.4th 603, 606 (8th Cir. 2021). Smith's contention that her brother and sister were not victims under the Mandatory Victims Restitution Act is foreclosed by the plain language of the statute. *See* 18 U.S.C. § 3663A(a)(2).

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.
