

United States Court of Appeals
For the Eighth Circuit

No. 22-3650

United States of America

Plaintiff - Appellee

v.

Clee Barney, also known as Christopher Willis

Defendant - Appellant

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

Submitted: March 29, 2023

Filed: April 3, 2023

[Unpublished]

Before BENTON, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Clee Barney appeals the within-Guidelines-range sentence the district court¹ imposed after he pled guilty to being a felon in possession of a firearm and ammunition. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence. Barney has filed a pro se brief requesting a shorter sentence. The district court did not impose a substantively unreasonable sentence, as the court properly considered the factors set forth under 18 U.S.C. § 3553(a), including the effect of Barney's prior convictions and mitigating factors; and the court imposed a prison term within the Guidelines range. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing substantive reasonableness under deferential abuse-of-discretion standard; district court abuses its discretion when it fails to consider relevant factor, gives significant weight to improper or irrelevant fact, or commits a clear error of judgment in weighing appropriate factors); *see also United States v. Callaway*, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines-range sentence presumed reasonable).

This court has independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and finds no non-frivolous issues for appeal.

The judgment is affirmed, and counsel's motion to withdraw is granted.

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