

United States Court of Appeals
For the Eighth Circuit

No. 22-3345

United States of America

Plaintiff - Appellee

v.

Angelo Lavell Scott

Defendant - Appellant

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

Submitted: May 19, 2023

Filed: May 23, 2023

[Unpublished]

Before LOKEN, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Angelo Scott appeals the sentence the district court¹ imposed on re-sentencing after granting his motion for a sentence reduction pursuant to section 404(b) of the

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

First Step Act. His counsel moved to withdraw; tendered a brief in conformance with Anders v. California, 386 U.S. 738 (1967), challenging the denial of Scott’s motion to continue the re-sentencing hearing and the sentence; and moved for an extension of time for Scott to file motions for further review. We granted Scott permission to file a *pro se* supplemental brief, denied the motion for extension of time as moot, and deferred ruling on the motion to withdraw until the case was submitted on the merits.

Upon careful review, we conclude that the court did not abuse its discretion in denying Scott’s request for a continuance made at the beginning of the re-sentencing hearing, as he made no showing that he was prejudiced by the denial, and he expressly declined to continue the hearing when the court offered to do so later in the hearing. See United States v. Cotroneo, 89 F.3d 510, 514 (8th Cir. 1996). We further conclude that the court did not abuse its discretion in imposing the sentence, as it considered the parties’ arguments and relevant sentencing factors. See United States v. Harris, 960 F.3d 1103, 1106 (8th Cir. 2020); see also United States v. Booker, 974 F.3d 869, 871 (8th Cir. 2020).

Accordingly, we grant counsel’s motion to withdraw and affirm.
