

United States Court of Appeals
For the Eighth Circuit

No. 22-3643

United States of America

Plaintiff - Appellee

v.

Shane William Butler

Defendant - Appellant

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

Submitted: July 17, 2023

Filed: July 20, 2023

[Unpublished]

Before GRUENDER, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Shane Butler appeals the sentence the district court¹ imposed after he pled guilty to conspiracy to produce child pornography and child exploitation, pursuant

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.

to a written plea agreement. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the reasonableness of the sentence.

Upon careful review, we conclude the district court did not impose a substantively unreasonable sentence. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing substantive reasonableness under a deferential abuse-of-discretion standard; district court abuses its discretion when it fails to consider a relevant factor, gives significant weight to an improper or irrelevant fact, or commits a clear error of judgment in weighing appropriate factors); *see also United States v. McCauley*, 715 F.3d 1119, 1127 (8th Cir. 2013) (noting when a district court has varied below the United States Sentencing Guidelines Manual range, it is “nearly inconceivable” that court abused its discretion by not varying further).

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 grant counsel’s motion to withdraw and affirm.
