

United States Court of Appeals
For the Eighth Circuit

No. 23-2152

United States of America

Plaintiff - Appellee

v.

Michael Jermaine Hambrick

Defendant - Appellant

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

Submitted: October 27, 2023

Filed: November 1, 2023

[Unpublished]

Before BENTON, KELLY, and STRAS, Circuit Judges.

PER CURIAM

Michael Jermaine Hambrick pled guilty to an ammunition offense pursuant to a written plea agreement. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Hambrick appeals the below-Guidelines-range sentence the district court¹ imposed. 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. The district court did not impose a substantively unreasonable sentence. The court properly considered the factors under 18 U.S.C. § 3553(a), as well as Hambrick’s policy arguments. *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 factor, or commits a clear error of judgment in weighing appropriate factors); *see also United States v. Sharkey*, 895 F.3d 1077, 1082 (8th Cir. 2018) (per curiam) (concluding district court did not abuse its discretion where it considered and rejected argument based on policy disagreement with Guidelines). The court imposed a prison term below the Guidelines range. *See United States v. McCauley*, 715 F.3d 1119, 1127 (8th Cir. 2013) (holding it is “nearly inconceivable” district court abused its discretion in not varying further when it varied below Guidelines range).

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

The judgment is affirmed. Counsel’s motion to withdraw is granted.

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