

United States Court of Appeals
For the Eighth Circuit

No. 23-2278

United States of America

Plaintiff - Appellee

v.

Steven Warner

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: December 15, 2023

Filed: December 20, 2023

[Unpublished]

Before LOKEN, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Steven Warner appeals after he pleaded guilty to conspiring to distribute methamphetamine. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence.

Upon careful review, we conclude that the district court¹ did not err in applying weapon-possession and role enhancements. See United States v. Anderson, 618 F.3d 873, 879 (8th Cir. 2010). We also conclude that the district court did not err in imposing the below-Guidelines sentence that Warner received, as the record reflects that the court properly calculated the Guidelines range and considered the 18 U.S.C. § 3553(a) factors, and there is no indication the court overlooked a relevant factor, or committed a clear error of judgment in weighing relevant factors. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc); United States v. Moore, 581 F.3d 681, 684 (8th Cir. 2009) (per curiam).

We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw and affirm.

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.