

United States Court of Appeals
For the Eighth Circuit

No. 23-2493

United States of America

Plaintiff - Appellee

v.

Bobby Joe Amescua Gray, II

Defendant - Appellant

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

Submitted: December 5, 2023

Filed: December 8, 2023

[Unpublished]

Before LOKEN, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Bobby Gray, II appeals the sentence imposed by the district court¹ after he pleaded guilty to a drug offense. His counsel has moved for leave to withdraw, and

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

has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable.

Upon careful review, we conclude that the district court did not impose a substantively unreasonable sentence, as the court properly considered the factors listed in 18 U.S.C. § 3553(a) and did not err in weighing the relevant factors. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing sentences for substantive reasonableness under deferential abuse-of-discretion standard; abuse of discretion occurs when the court fails to consider relevant factor, gives significant weight to an improper or irrelevant factor, or commits a clear error of judgment in weighing the appropriate factors). Further, the court imposed a sentence below the Guidelines range. See United States v. McCauley, 715 F.3d 1119, 1127 (8th Cir. 2013) (noting that when the district court has varied below the Guidelines range, it is “nearly inconceivable” that the court abused its discretion in 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 affirm the judgment, and we grant counsel’s motion to withdraw.
