

United States Court of Appeals
For the Eighth Circuit

No. 23-2822

United States of America

Plaintiff - Appellee

v.

Johnny Mack Hill, Jr.

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: March 7, 2024

Filed: March 12, 2024

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Johnny Mack Hill appeals after he pleaded guilty to drug and firearm offenses, and the district court¹ imposed a prison sentence to run consecutively to undischarged

¹The Honorable C.J. Williams, Chief Judge, United States District Court for the Northern District of Iowa.

state sentences. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable.

We conclude that the sentence was not unreasonable. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (standard of review). The district court considered the 18 U.S.C. § 3553(a) factors, the undischarged state sentence, and Hill’s argument against running the sentences consecutively; and there is no indication that the court failed to consider a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing an appropriate factor. See id.; United States v. McDonald, 521 F.3d 975, 980 (8th Cir. 2008) (district court has “wide discretion” to order sentence to be served consecutively to undischarged sentence); see also United States v. Hall, 825 F.3d 373, 376 (8th Cir. 2016) (no abuse of discretion where district court considered § 3553(a) factors and recognized its discretion to run sentences concurrently but declined to do so).

This court has reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), and has found no non-frivolous issues. Accordingly, the judgment is affirmed, and counsel’s motion to withdraw is granted.
