

United States Court of Appeals
For the Eighth Circuit

No. 23-2878

United States of America

Plaintiff - Appellee

v.

Eduardo Garcia Rios

Defendant - Appellant

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

Submitted: March 20, 2024

Filed: March 27, 2024

[Unpublished]

Before SMITH, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Eduardo Garcia Rios appeals the sentence the district court¹ imposed after he pled guilty to drug and firearm offenses. His counsel has moved for leave to

¹The Honorable Stephen H. Locher, United States District Judge for the Southern District of Iowa.

withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the district court’s refusal to apply a mitigating-role reduction and the substantive reasonableness of the sentence.

After careful review, we conclude the district court did not clearly err in refusing to apply a mitigating-role reduction. *See United States v. Garcia*, 946 F.3d 413, 418-19 (8th Cir. 2019) (reviewing district court’s refusal to apply mitigating-role reduction for clear error). We also conclude the district court did not abuse its discretion in sentencing Garcia Rios. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (standard of review); *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 downward further).

Having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal. Accordingly, we grant counsel leave to withdraw and affirm.
