

United States Court of Appeals
For the Eighth Circuit

No. 23-2877

United States of America

Plaintiff - Appellee

v.

Clifford Don Smith

Defendant - Appellant

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

Submitted: April 23, 2024

Filed: May 13, 2024

[Unpublished]

Before LOKEN, SMITH, and KELLY, Circuit Judges.

PER CURIAM.

Clifford Smith 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 Stephen H. Locher, United States District Judge for the Southern District of Iowa.

has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable. Smith has moved for appointment of new counsel.

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) (sentences are reviewed for substantive reasonableness under deferential abuse-of-discretion standard; abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing 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).

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