

United States Court of Appeals
For the Eighth Circuit

No. 24-1119

United States of America

Plaintiff - Appellee

v.

Dwan Xavier Moore

Defendant - Appellant

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

Submitted: July 25, 2024

Filed: July 30, 2024

[Unpublished]

Before LOKEN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Dwan Moore appeals after he pleaded guilty to drug and firearm offenses and the district court¹ imposed a below-Guidelines-range sentence. His counsel has

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court erred in denying a reduction for acceptance of responsibility under U.S.S.G. § 3E1.1 and challenging the sentence as substantively unreasonable.

We conclude the district court did not clearly err in denying a reduction for acceptance of responsibility. *See United States v. Winters*, 416 F.3d 856, 860 (8th Cir. 2005) (explaining the standard of review). Having reviewed the record under a deferential abuse-of-discretion standard of review, we also conclude the court did not impose a substantively unreasonable sentence, as the court considered the factors set forth in 18 U.S.C. § 3553(a), and there is no indication the court overlooked a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing relevant factors. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc); *see also United States v. McCauley*, 715 F.3d 1119, 1127 (8th Cir. 2013) (explaining that when a district court varies below the Guideline range, “it is nearly inconceivable” that the court abused its discretion in not varying further). Finally, we have independently reviewed the record under *Penon 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 the judgment.
