

United States Court of Appeals
For the Eighth Circuit

No. 24-1213

United States of America

Plaintiff - Appellee

v.

James Dean Sterner

Defendant - Appellant

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

Submitted: August 26, 2024

Filed: August 29, 2024

[Unpublished]

Before GRUENDER, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

James Sterner appeals the sentence imposed by the district court¹ after he pleaded guilty to conspiring to distribute methamphetamine. His counsel has moved

¹The Honorable Leonard T. Strand, then Chief Judge, now United States District Judge for the Northern District of Iowa.

for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence.

We conclude that the within-Guidelines sentence Sterner received is not substantively unreasonable. *See United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (standard of review); *see also United States v. Callaway*, 762 F.3d 754, 760 (8th Cir. 2014) (stating that a sentence within the Guideline range is presumed reasonable, and district courts are allowed wide latitude to weigh the sentencing factors). The record reflects that the district court properly calculated the Guidelines range and considered the 18 U.S.C. § 3553(a) factors, and there is no indication the court overlooked a relevant factor, or committed a clear error of judgment in weighing the relevant factors. *See Feemster*, 572 F.3d at 461 (stating that an abuse of discretion occurs when the court fails to consider a relevant factor, gives significant weight to an improper or irrelevant factor, or commits a clear error of judgment in weighing the appropriate factors).

We have also independently reviewed the record under *Penson 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.
