

United States Court of Appeals  
For the Eighth Circuit

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No. 24-1292

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United States of America

*Plaintiff - Appellee*

v.

Michael Heinitz

*Defendant - Appellant*

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

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Submitted: August 21, 2024

Filed: August 28, 2024

[Unpublished]

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Before SMITH, BENTON, and GRASZ, Circuit Judges.

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PER CURIAM.

Michael Heinitz appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to a sexual exploitation of a child, in violation of 18 U.S.C. § 2251(a)

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<sup>1</sup>The Honorable Charles J. Williams, United States District Judge for the Northern District of Iowa.

and (e). His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Heinitz's 360-month prison term is substantively unreasonable.

After careful review, we conclude that the district court did not abuse its discretion in sentencing Heinitz within the properly calculated Guidelines range. See United States v. Feemster, 572 F.3d 455, 460-62 (8th Cir. 2009) (en banc) (standard of review). The record shows that the district court considered and rejected, in light of the 18 U.S.C. § 3553(a) factors, defense counsel's arguments in support of a downward variance based on Heinitz's young adulthood, immaturity, and acceptance of responsibility, and nothing in the record indicates that the district court overlooked a relevant factor, gave significant weight to an improper factor, or made a clear error of judgment in weighing appropriate factors. See id. at 461; see also United States v. Acosta, 619 F.3d 956, 962-63 (8th Cir. 2010) (denial of request for downward variance reviewed under deferential abuse-of-discretion standard); United States v. Miner, 544 F.3d 930, 932 (8th Cir. 2008) (on appeal, reviewing court may presume sentence within properly calculated guidelines range is reasonable).

Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no non-frivolous issues for appeal. Accordingly, we grant counsel leave to withdraw and affirm.

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