

United States Court of Appeals
For the Eighth Circuit

No. 24-1227

United States of America

Plaintiff - Appellee

v.

Colby Lakeith Shannon, Jr.

Defendant - Appellant

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

Submitted: September 13, 2024

Filed: September 18, 2024

[Unpublished]

Before BENTON, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Colby Shannon, Jr. appeals the sentence imposed by the district court¹ after he pleaded guilty to firearm offenses under 18 U.S.C. §§ 922(g)(3) and 922(g)(9). His

¹The Honorable C.J. Williams, Chief Judge, United States District Court for the Northern District of Iowa.

counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable. Shannon has filed a pro se brief challenging sections 922(g)(3) and 922(g)(9) as facially unconstitutional under the Second Amendment.

Upon careful review, we conclude that the district court did not err in imposing a sentence within the Guidelines range. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (in reviewing sentences, appellate court first ensures no significant procedural error occurred, then considers substantive reasonableness of sentence under abuse-of-discretion standard); United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines-range sentence may be presumed reasonable). We further conclude that Shannon’s facial challenges to sections 922(g)(3) and 922(g)(9) fail under plain-error review, as he has not demonstrated any error that was clear or obvious under current law. See United States v. Nunez-Hernandez, 43 F.4th 857, 859-61 (8th Cir. 2022) (reviewing facial constitutional challenge for plain error where it was raised for first time on appeal; to succeed, appellant has to show, among other things, that there was clear or obvious error under current law; case law must “provide a clear answer”).

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. The judgment is affirmed, and counsel’s motion to withdraw is granted.
