

United States Court of Appeals
For the Eighth Circuit

No. 24-2141

United States of America

Plaintiff - Appellee

v.

Kacy Thomas

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: December 23, 2024

Filed: December 30, 2024

[Unpublished]

Before GRUENDER, BENTON, and KOBES, Circuit Judges.

PER CURIAM.

Kacy Thomas appeals the within-Guidelines sentence the district court¹ imposed after he pled guilty to being a felon in possession of a firearm. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable Sarah E. Pitlyk, United States District Judge for the Eastern District of Missouri.

Counsel moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court clearly erred in concluding that Thomas was the driver of the vehicle that law enforcement officers followed to his home, resulting in the erroneous application of two sentencing enhancements. Upon careful review, this court concludes that the district court did not clearly err in applying the enhancements. See *United States v. Holly*, 983 F.3d 361, 363 (8th Cir. 2020) (clear error review of factual findings); *United States v. Marks*, 328 F.3d 1015, 1017 (8th Cir. 2003) (finding is clearly erroneous when appellate court is left with firm conviction that mistake was made).

Having independently reviewed the record pursuant to *Penon v. Ohio*, 488 U.S. 75 (1988), this court finds no non-frivolous issues for appeal.

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