

United States Court of Appeals
For the Eighth Circuit

No. 24-3022

United States of America

Plaintiff - Appellee

v.

Alvan Allen

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: March 25, 2025

Filed: March 28, 2025

[Unpublished]

Before GRUENDER, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Alvan Allen appeals the judgment entered by the district court¹ after a bench trial where he was found guilty of a child pornography offense. His counsel has

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.

moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the district court's denial of Allen's motion to suppress.

After careful review, we conclude that the district court did not err in denying Allen's motion to suppress, as the search warrant was based on probable cause, and it was not overbroad or lacking in particularity. *See United States v. Holly*, 983 F.3d 361, 363 (8th Cir. 2020) (standard of review); *United States v. Scott*, 610 F.3d 1009, 1013 (8th Cir. 2010); *United States v. Summage*, 481 F.3d 1075, 1078-80 (8th Cir. 2007). In any event, nothing in the record indicated the officers did not execute the warrant in good faith. *See United States v. Ortiz-Cervantes*, 868 F.3d 695, 702 (8th Cir. 2017). Additionally, the district court did not err in admitting statements Allen made in his interviews with police, as his first interview was not custodial, and the police conduct preceding both interviews was valid. *See United States v. Martinez*, 462 F.3d 903, 908-09 (8th Cir. 2006); *see also United States v. Smith*, 715 F.3d 1110, 1118 n.5 (8th Cir. 2013).

We have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we affirm the judgment and grant counsel leave to withdraw.
