

United States Court of Appeals
For the Eighth Circuit

No. 24-3085

United States of America

Plaintiff - Appellee

v.

Joseph Allen Bermingham

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Harrison

Submitted: April 18, 2025

Filed: April 23, 2025

[Unpublished]

Before GRUENDER, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Joseph Bermingham appeals the within-Guidelines sentence the district court¹ imposed after he pleaded guilty to a drug offense pursuant to a written plea

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

agreement. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738, (1967), challenging the sentence and arguing it created an unwarranted sentencing disparity with a co-defendant.

Upon careful review, we conclude that the district court did not abuse its discretion in sentencing Bermingham, as it properly considered the 18 U.S.C. § 3553(a) factors; there was no indication that it overlooked a relevant factor, or committed a clear error of judgment in weighing the relevant factors; and the sentence was within the advisory Guidelines range. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (standard of review); see also United States v. Castillo, 117 F.4th 1021, 1024-25 (8th Cir. 2024) (rejecting sentencing-disparity argument based on differences between co-defendants); United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines sentence may be presumed reasonable).

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