

United States Court of Appeals
For the Eighth Circuit

No. 26-1555

United States of America

Plaintiff - Appellee

v.

Duane Walker, Jr., also known as Lumpy

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: August 31, 2026

Filed: September 3, 2026

[Unpublished]

Before KELLY, KOBES, and JUSTIN D. SMITH, Circuit Judges.

PER CURIAM.

Duane Walker, Jr. appeals after he pled guilty to a drug offense and was sentenced by the district court¹ to a within-Guidelines prison term. His counsel has

¹The Honorable Robert F. Rossiter, Jr., then Chief Judge, now United States District Judge for the District of Nebraska.

requested leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), discussing the propriety of a sentencing enhancement for obstruction of justice as well as the substantive reasonableness of the sentence. Walker has also filed a pro se supplement, suggesting that the obstruction enhancement was improper and his rights under the Speedy Trial Act were violated.

Upon careful review, we conclude that the district court did not err in applying an enhancement for obstruction of justice under U.S.S.G. § 3C1.1. See United States v. Abdul-Aziz, 486 F.3d 471, 478 (8th Cir. 2007) (standard of review); see also United States v. Kempter, 29 F.4th 960, 967-68 (8th Cir. 2022) (affirming application of obstruction enhancement where defendant asked individual to delete data to avoid detection and record reflected inference that defendant believed he was or would be under investigation). We further determine that the district court did not abuse its discretion in sentencing Walker, as the record reflects that it considered the relevant factors and did not give significant weight to an improper factor or commit a clear error of judgment when it assessed the matters cited by the parties. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (sentencing decisions reviewed for abuse of discretion, which can occur when district court fails to consider relevant factor, gives significant weight to improper factor, or commits clear of judgment); see also United States v. Campbell, 986 F.3d 782, 808 (8th Cir. 2021) (simply because court weighed factors more heavily than defendant would prefer does not mean it abused discretion). We finally conclude that Walker's rights under the Speedy Trial Act were not violated, because any delay was attributable to his attorney's requests. See United States v. Herbst, 666 F.3d 504, 510 (8th Cir. 2012) (Speedy Trial Act does not require defendant's consent for counsel requested continuance, just that district court make necessary ends-of-justice findings).

Having independently reviewed the record pursuant to Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal. Accordingly, we grant counsel leave to withdraw, and affirm.