

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted June 23, 2026

Decided June 24, 2026

*Before*MICHAEL Y. SCUDDER, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 26-1224

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*WESLEY SCHMELZER,
*Defendant-Appellant.*Appeal from the United States District
Court for the Southern District of
Illinois.

No. 3:24-CR-30157-SMY-1

Staci M. Yandle,
*Chief Judge.***ORDER**

Wesley Schmelzer pleaded guilty to possessing methamphetamine while in prison. *See* 18 U.S.C. § 1791(a)(2), (b)(1). He appeals his 33-month sentence, but his appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Counsel's brief explains the nature of the case and raises potential issues that an appeal like this would be expected to involve. Because counsel's brief appears thorough, and Schmelzer did not respond to the motion, *see* CIR. R. 51(b), we limit our review to subjects that counsel discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

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In April 2024, while Schmelzer was incarcerated at FCI Greenville on drug-trafficking charges, a correctional officer patted him down and discovered a clear plastic bag containing 12 bindles of methamphetamine. Schmelzer pleaded guilty to one count of possessing contraband in prison under 18 U.S.C. § 1791(a)(2) and was sentenced to 33 months' imprisonment.

Counsel first confirms that Schmelzer does not wish to challenge his guilty plea and properly refrains from discussing the validity of the plea. *See United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012); *United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2002).

Counsel next rightly rejects any procedural challenge to Schmelzer's sentence. The court properly calculated his offense level of 13, *see* U.S.S.G. § 2P1.2(a)(2), decreased by 2 levels because he accepted responsibility, *see id.* § 3E1.1(a). And the court correctly assessed his criminal history category at VI, resulting in a guidelines range of 27 to 33 months. *See id.* § 5A. The 33-month sentence did not exceed the statutory maximum of 20 years, *see* 18 U.S.C. § 1791(b)(1), and runs consecutively to Schmelzer's other drug-related sentence, as required by § 1791(c).

We also agree with counsel that any challenge to the substantive reasonableness of Schmelzer's sentence would be frivolous. Schmelzer's within-guideline sentence is presumptively reasonable, and we will uphold a sentence if the court adequately explains its reasoning. *United States v. Major*, 33 F.4th 370, 379 (7th Cir. 2022). Here, the court explained the sentence with reference to the § 3553(a) factors, emphasizing the seriousness of the offense (drugs make prisons "exponentially more dangerous") and the value of general deterrence ("others in the prisons need to know the consequences ... of the possession of contraband"). The court also addressed Schmelzer's arguments in mitigation—he struggled with addiction and created a program to educate fellow inmates about the First Step Act—before concluding that Schmelzer could have addressed his addiction while incarcerated but chose not to.

We GRANT counsel's motion to withdraw and DISMISS the appeal.