

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2676

United States of America,

Appellee,

v.

Rafael Figueroa-Salas, also known as
Rafael Figaroa, also known as Jose F.
Aviles, also known as Luis
Gonzalez-Quinones, also known as
Hector Quintero, also known as
Hector Quintero-Aviles, also known as
Luis Gonzalez,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: October 5, 2007
Filed: October 18, 2007

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Rafael Figueroa-Salas appeals the 73-month prison sentence the district court¹ imposed upon his guilty plea to illegal reentry after having been deported following

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

an aggravated felony conviction, in violation of 8 U.S.C. § 1326(a) and (b)(2). Figueroa-Salas's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in sentencing Figueroa-Salas to 73 months in prison.

We review a sentence for reasonableness, and a sentence within the correctly calculated Guidelines range is presumptively reasonable. See United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir. 2005); see also Rita v. United States, 127 S. Ct. 2456, 2462 (2007) (approving presumption). We conclude that Figueroa-Salas's sentence is not unreasonable, as nothing in the record suggests the district court based the sentence on an improper or irrelevant factor, failed to consider a relevant factor, or made a clear error of judgment in weighing appropriate factors. See United States v. Haack, 403 F.3d 997, 1004 (8th Cir. 2005) (reasonableness of sentence reviewed for abuse of discretion; defining ways in which abuse of discretion may occur).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm the district court's judgment and we grant counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari.
