

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-2581

United States of America,

Appellee,

v.

Francisco Gonzalez-Renteria, also
known as Paco,

Appellant.

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* Appeal from the United States
* District Court for the
* Southern District of Iowa.
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* [UNPUBLISHED]
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Submitted: April 7, 2010
Filed: April 26, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Francisco Gonzalez-Renteria pleaded guilty to misusing a social security number, in violation of 42 U.S.C. § 408(a)(7)(B); making a false claim of citizenship to obtain unlawful employment, in violation of 18 U.S.C. § 1015(e); and unlawfully reentering the United States after being convicted of an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2). The district court¹ sentenced him within the advisory guideline range to 55 months in prison and 3 years of supervised release. On appeal,

¹The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

his counsel has moved to withdraw and had filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is excessive, and that the district court abused its discretion in denying Gonzalez-Renteria's motion for a downward variance. In his pro se supplemental brief, Gonzalez-Renteria requests to be sent to Mexico as soon as possible to receive medical attention.

We conclude that the district court committed no procedural or substantive error in sentencing Gonzalez-Renteria. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (standards for reviewing sentence). In particular, we conclude that the district court did not abuse its discretion in denying the motion for a downward variance, as the record indicates that the court was well aware of Gonzalez-Renteria's relevant medical history and considered all of the 18 U.S.C. § 3553(a) sentencing factors. See 18 U.S.C. § 3553(a)(1), (2)(A)-(D), (3); United States v. Gonzalez, 573 F.3d 600, 607 (8th Cir. 2009) (court need not engage in mechanical recitation of § 3553(a) factors, and need only set forth enough to satisfy appellate court that it considered parties' arguments and had reasoned basis for exercising its own legal decision-making authority).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issue for appeal. Accordingly, we affirm the district court's judgment, and we grant counsel's motion to withdraw.
