

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1914

United States of America,

Appellee,

v.

Abram Harris,

Appellant.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

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* [UNPUBLISHED]

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Submitted: September 2, 2011

Filed: September 19, 2011

Before WOLLMAN, SMITH, and GRUENDER, Circuit Judges.

PER CURIAM.

Abram Harris pleaded guilty to possessing marijuana with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). At sentencing, the district court¹ declined a defense request for probation and imposed a sentence of 42 months in prison, within the undisputed advisory Guidelines range. On appeal, Harris's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), seeking to withdraw and arguing that the sentence was unreasonable, and that probation would have been more appropriate.

¹The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

We conclude, though, that Harris has not rebutted the presumption that his within-Guidelines-range prison sentence was substantively reasonable. See Gall v. United States, 552 U.S. 38, 51 (2007) (if sentence is within Guidelines range, appellate court may apply presumption of reasonableness). We further conclude the district court committed no procedural error at sentencing and did not impose an unreasonable sentence. See id. (outlining steps in appellate review); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (describing procedural error).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issue. Accordingly, we grant leave to withdraw, and we affirm the judgment.
