

United States Court of Appeals
For the Eighth Circuit

No. 22-1656

United States of America

Plaintiff - Appellee

v.

Michael Ray Teel

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: August 9, 2022

Filed: August 15, 2022

[Unpublished]

Before COLLOTON, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Michael Ray Teel appeals after he pled guilty to being a felon in possession of a firearm. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Teel objects to the Guidelines-range sentence the district court¹ imposed. Counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), in which he challenges the sentence as unreasonable. The court did not impose an unreasonable sentence. The record reflects that the court considered the 18 U.S.C. § 3553(a) factors, recognized its authority to vary downward, but declined to do so after considering Teel's arguments and the record. See *United States v. Feemster*, 572 F.3d 455, 461-62, 464 (8th Cir. 2009) (en banc) (in reviewing sentences, appellate court first ensures no significant procedural error occurred, then considers substantive reasonableness of sentence under abuse-of-discretion standard; abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors); see also *United States v. Lewis*, 593 F.3d 765, 773 (8th Cir. 2010) (denial of downward variance was reasonable, as court considered arguments for downward variance and exercised its discretion in rejecting them); cf. *United States v. St. Claire*, 831 F.3d 1039, 1043 (8th Cir. 2016) (within-Guidelines sentence is accorded a presumption of substantive reasonableness on appeal).

This court has reviewed the record independently under *Penson v. Ohio*, 488 U.S. 75 (1988), and has found no non-frivolous issues.

The judgment is affirmed, and counsel's motion to withdraw is granted.

¹The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.