

United States Court of Appeals
For the Eighth Circuit

No. 22-1837

United States of America

Plaintiff - Appellee

v.

Rafael Melendrez

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: August 22, 2022

Filed: August 29, 2022

[Unpublished]

Before SHEPHERD, MELLOY, and STRAS, Circuit Judges.

PER CURIAM.

Rafael Melendrez appeals the sentence the district court¹ imposed after he pleaded guilty to a firearm offense. His counsel has moved for leave to withdraw and

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the prison sentence.

Having reviewed the record under a deferential abuse-of-discretion standard of review, see Gall v. United States, 552 U.S. 38, 41, 51 (2007), we conclude Melendrez's prison sentence was not substantively unreasonable. The district court considered the statutory sentencing factors and did not overlook a relevant factor, give significant weight to an improper or irrelevant factor, or commit a clear error of judgment in weighing relevant factors. See 18 U.S.C. § 3553(a); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc); see also United States v. Dunn, 928 F.3d 688, 694 (8th Cir. 2019). We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal.

Accordingly, we affirm the judgment of the district court and grant counsel's motion to withdraw.
