

United States Court of Appeals
For the Eighth Circuit

No. 23-3663

United States of America

Plaintiff - Appellee

v.

Victor Alfonso Leon-Pacheco

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: November 26, 2024

Filed: December 3, 2024

[Unpublished]

Before LOKEN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Victor Leon-Pacheco appeals after a jury found him guilty of drug charges and the district court¹ sentenced him to 360 months in prison. His counsel has moved to

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

withdraw, and has filed a brief pursuant to Anders v. California, 386 U.S. 38 (1967), arguing that the jury verdict was not supported by sufficient evidence, that the district court erred in determining that Leon-Pacheco was a career offender, and that the within-Guidelines sentence was substantively unreasonable.

Upon careful review of the record, we conclude that the government presented sufficient evidence at trial to support the jury's guilty verdict. See United States v. Reichel, 911 F.3d 910, 915-16 (8th Cir. 2018). We also conclude that the district court did not err in ruling that Leon-Pacheco was a career offender. See United States v. Rivera, 76 F.4th 1085, 1088-91 (8th Cir. 2023); United States v. Mendoza-Figueroa, 65 F.3d 691, 692-94 (8th Cir. 1995) (en banc). Further, the sentence imposed was not substantively unreasonable, as the record reflects that the court properly calculated the Guidelines range and considered the appropriate sentencing factors. See United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc).

We have also independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel leave to withdraw and affirm.
