

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2063

United States of America,

Appellee,

v.

Tomas Martinez-Castelo, also known
as Thomas Flores-Molina,

Appellant.

*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: April 7, 2009
Filed: May 5, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Tomas Martinez-Castelo challenges the sentence the district court¹ imposed after he pleaded guilty to conspiring to distribute and aiding and abetting the distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846, and 18 U.S.C. § 2. Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), suggesting that the district court erred in not considering imposition of a sentence below the statutory minimum.

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

We find that the sentence, which was at the bottom of the advisory Guidelines range and was based on proper 18 U.S.C. § 3553(a) factors, is reasonable. See 18 U.S.C. § 3553(a)(1), (2)(A)-(C); United States v. Lincoln, 413 F.3d 716, 717 (8th Cir. 2005) (sentence at bottom of Guidelines range is presumptively reasonable); see also Rita v. United States, 127 S. Ct. 2456, 2462 (2007) (approving appellate presumption); United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (reasonableness of sentence reviewed for abuse of discretion; defining ways in which abuse of discretion may occur).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues. Therefore, we grant counsel's motion to withdraw, and we affirm.
