

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 09-3659

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United States of America,

Appellee,

v.

Royal Joseph Louis Zeno,

Appellant.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: July 20, 2010  
Filed: August 2, 2010

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Before LOKEN, MURPHY, and BENTON, Circuit Judges.

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PER CURIAM.

Royal Joseph Louis Zeno pled guilty to conspiring to distribute in excess of 50 grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846. The district court<sup>1</sup> imposed the statutory minimum sentence of 120 months in prison and 5 years of supervised release. On appeal, Zeno's counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), asserting that the 10-year mandatory minimum sentence for this offense is unconstitutional.

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

Counsel's argument is unavailing. The mandatory minimum sentence under section 841 does not violate the separation-of-powers doctrine, *see United States v. Prior*, 107 F.3d 654, 660 (8th Cir. 1997), the Eighth Amendment, *see United States v. Garcia*, 521 F.3d 898, 901 (8th Cir. 2008), or the right to equal protection, *see United States v. McClellon*, 578 F.3d 846, 861-62 (8th Cir. 2009), *cert. denied* 130 S. Ct. 1106 (2010).

Finding no nonfrivolous issue on appeal, *see Penson v. Ohio*, 488 U.S. 75, 80 (1988), we affirm the judgment and grant counsel leave to withdraw, subject to counsel informing appellant about procedures for seeking rehearing or filing a petition for certiorari.

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