

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 31, 2009

Decided March 31, 2009

Before

FRANK H. EASTERBROOK, *Chief Judge*

DIANE P. WOOD, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 08-2018

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ALAN M. JUNGELS,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 06 CR 33-4

James B. Zagel,
Judge.

ORDER

Alan Jungels pleaded guilty, pursuant to a written plea agreement that included an appeal waiver, to one count of distributing child pornography. *See* 18 U.S.C. § 2252A(a)(1). The district court sentenced Jungels to 240 months in prison, the statutory maximum. Jungels filed a notice of appeal, but his appointed counsel now seek to withdraw under *Anders v. California*, 386 U.S. 738 (1967), because they cannot discern a nonfrivolous basis for appeal. Jungels has not accepted our invitation to comment on counsel's motion. *See* CIR. R. 51(b). Because counsel's supporting brief is adequate, we limit our review to the potential issues identified in the brief. *See United States v. Schuh*, 289 F.3d 968, 973-74 (7th Cir. 2002).

Counsel begin by telling us that Jungels does not wish to challenge his guilty plea. So counsel appropriately refrain from discussing whether Jungels could argue that his plea was not voluntary. See *United States v. Knox*, 287 F.3d 667, 670-71 (7th Cir. 2002).

Counsel consider only one potential issue: whether Jungels can challenge his sentence. But as counsel note, the appeal waiver forecloses any argument challenging his sentence except a claim that the district court relied on a constitutionally impermissible factor or that the sentence exceeded the statutory maximum. See *United States v. Lockwood*, 416 F.3d 604, 608 (7th Cir. 2005); *United States v. Bownes*, 405 F.3d 634, 637 (7th Cir. 2005). Neither of those issues is relevant here; thus, any argument that the court erred in imposing Jungels's sentence would be frivolous.

Accordingly, we GRANT counsel's motion to withdraw and DISMISS the appeal.