

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

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No. 06-3798

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United States of America,

Appellee,

v.

Leticia Maria Caballero,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* Northern District of Iowa.  
\* [UNPUBLISHED]  
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Submitted: December 7, 2007  
Filed: December 13, 2007

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Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

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PER CURIAM.

Leticia Caballero appeals the sentence the district court<sup>1</sup> imposed following her guilty plea to conspiring to distribute 500 grams or more of methamphetamine mixture in violation of 21 U.S.C. § 846, and to possessing with intent to distribute 500 grams or more of methamphetamine mixture in violation of 21 U.S.C. § 841(a)(1). Caballero was sentenced to serve two concurrent terms of 120 months in prison (the statutory mandatory minimum) and 5 years of supervised release. Caballero's counsel has

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<sup>1</sup>The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Caballero’s sentence is unreasonable.

Caballero’s sentence is not unreasonable because in these circumstances the district court did not have discretion to impose a sentence below the mandatory minimum sentence. See United States v. Gregg, 451 F.3d 930, 937 (8th Cir. 2006) (rejecting argument that district court had discretion to impose non-Guidelines sentence when portion of sentence is result of mandatory minimum sentence; “Booker<sup>2</sup> does not relate to statutorily-imposed sentences”); United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003) (only authority for district court to depart from statutory minimum sentence is found in 18 U.S.C. § 3553(e) and (f), which apply only when government makes motion for substantial assistance or defendant qualifies for safety-valve relief).

After reviewing the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel leave to withdraw, and the judgment is affirmed.

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<sup>2</sup>United States v. Booker, 543 U.S. 220 (2005).