

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

No. 08-1667

United States of America,

Appellee,

v.

Carlos Price,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: April 1, 2009

Filed: April 6, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Carlos Price appeals the sentence the district court¹ imposed after he pleaded guilty to unlawful possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), which challenges the district court's imposition of 3 criminal history points under U.S.S.G. §§ 4A1.1(d) and 4A1.1(e), and argues that the court abused its discretion in sentencing Price to 180 months in prison.

¹The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

We conclude that the district court's application of sections 4A1.1(d) and 4A1.1(e) is unreviewable, given that Price would have received a 15-year statutorily mandated sentence whether or not those provisions were applied. See 18 U.S.C. § 924(e)(1) (setting forth 15-year mandatory minimum prison term); United States v. Williams, 74 F.3d 872, 872 (8th Cir. 1996) (per curiam) (application of Guidelines provision not reviewable where defendant faced same sentence whether or not provision was applied).

We further conclude that the district court did not abuse its discretion in sentencing Price to 180 months in prison, because the court lacked discretion to impose a lower sentence. See 18 U.S.C. § 924(e)(1) (setting forth 15-year mandatory minimum prison term); United States v. Phelps, 536 F.3d 862, 869 (8th Cir. 2008) (substantive reasonableness of sentence is reviewed for abuse of discretion), cert. denied, 2009 WL 177236 (U.S. Feb. 23, 2009); United States v. Gregg, 451 F.3d 930, 937 (8th Cir. 2006) (district court was without discretion to impose sentence for firearm conviction below statutory minimum).

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