

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2554

United States of America,

Appellee,

v.

Fray Moreno-Ramirez,

Appellant.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.
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* [UNPUBLISHED]
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Submitted: October 5, 2009
Filed: October 23, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Fray Moreno-Ramirez pleaded guilty to one count of conspiracy to distribute 500 grams or more of a methamphetamine mixture, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846, and two counts of distribution of 50 grams or more of a methamphetamine mixture, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B). The district court¹ sentenced him to the statutory minimum of 120 months in prison and 5 years of supervised release. His counsel has filed a brief under Anders v. California,

¹The Honorable Donald E. O'Brien, United States District Judge for the Northern District of Iowa.

386 U.S. 738 (1967), seeking permission to withdraw and arguing that the sentence is unreasonable.

We conclude that Moreno-Ramirez's sentence is not unreasonable. See United States v. Wadena, 470 F.3d 735, 737 (8th Cir. 2006) (standard of review); 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 Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm, and we grant counsel's motion to withdraw on condition that counsel inform Moreno-Ramirez about the procedures for filing petitions for rehearing and for certiorari.
