

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3513

United States of America,

Appellee,

v.

Miguel Alvarado-Sanchez, also known
as Miguel Rodriguez,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: June 30, 2010
Filed: July 6, 2010

Before LOKEN, BYE, and SHEPHERD, Circuit Judges.

PER CURIAM.

Miguel Alvarado-Sanchez pleaded guilty to conspiring to distribute 50 grams of methamphetamine and 500 grams or more of a mixture or substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846. The district court¹ imposed the statutory minimum sentence of 120 months in prison and 5 years of supervised release. On appeal, Alvarado-Sanchez's counsel seeks to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967),

¹The HONORABLE ROBERT W. PRATT, Chief Judge, United States District Court for the Southern District of Iowa.

asserting that the sentence imposed was unreasonable and that there was insufficient evidence to support the conviction.

Having carefully reviewed the record, we conclude that the district court did not abuse its discretion in imposing the statutory minimum sentence. See United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003) (only authority to depart from statutory minimum sentence is 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). We further conclude that by entering a valid guilty plea, Alvarado-Sanchez waived any challenge to the sufficiency of the evidence supporting his conviction. See United States v. Ternus, 598 F.3d 1251, 1254 (11th Cir. 2010) (sufficiency-of-evidence challenge is nonjurisdictional and waived by guilty plea); United States v. Staples, 435 F.3d 860, 864 (8th Cir. 2006) (valid guilty plea waives all nonjurisdictional defects). Finding no nonfrivolous issue for appeal, see Penson v. Ohio, 488 U.S. 75, 80 (1988), we grant counsel leave to withdraw, and we affirm the judgment.
