

United States Court of Appeals
For the Eighth Circuit

No. 16-1138

United States of America,

Plaintiff - Appellee,

v.

Jessica Lynn Wallace,

Defendant - Appellant.

Appeal from United States District Court
for the Northern District of Iowa - Ft. Dodge

Submitted: September 7, 2016

Filed: October 5, 2016

[Unpublished]

Before COLLOTON, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Federal inmate Jessica Wallace pled guilty to conspiring to distribute 500 grams or more of a substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846 (Count 1); possessing with intent to distribute 5 grams or more of actual methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B) (Count 2); and possessing a firearm in furtherance of a drug trafficking

crime, in violation of 18 U.S.C. § 924(c) (Count 3). The district court¹ sentenced her to concurrent prison terms of 120 months on Counts 1 and 2; a consecutive 60-month term on Count 3; and 5 years of supervised release. This appeal followed, in which Wallace's counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence was unreasonable based on Wallace's circumstances.

We conclude that counsel's argument lacks merit because Wallace's prison term represents the statutory minimum, and therefore it is not subject to review for reasonableness under *United States v. Booker*, 543 U.S. 220 (2005). See *United States v. Gregg*, 451 F.3d 930, 937 (8th Cir. 2006). Further, having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal.

Accordingly, the judgment of the district court is affirmed, and counsel's motion to withdraw is granted.

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.