

United States Court of Appeals
For the Eighth Circuit

No. 17-3397

United States of America

Plaintiff - Appellee

v.

Gregory W. Donner

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - Cape Girardeau

Submitted: December 13, 2018

Filed: December 18, 2018

[Unpublished]

Before LOKEN, BOWMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Gregory Donner directly appeals the sentence the district court¹ imposed after he pleaded guilty to a drug offense. His counsel has moved to withdraw and has filed

¹The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

a brief under Anders v. California, 386 U.S. 738 (1967). Donner has not filed a pro se brief.

While Donner challenges a sentencing enhancement the district court imposed for maintaining a manufacturing or distribution premises, he waived his challenge to the enhancement when he withdrew his objection to it in the district court. See United States v. Stoney End of Horn, 829 F.3d 681, 687-88 (8th Cir. 2016). Donner also argues that the drug quantity calculation was erroneous because the entire weight of liquid LSD was used in calculating the LSD quantity, rather than extracting the drug from its carrier. We conclude that any such error in calculating the drug quantity is harmless because it did not change the base offense level imposed and had no effect on Donner's sentence. See Fed. R. Crim. P. 52(a) (harmless-error rule); United States v. Phillippi, 911 F.2d 149, 151 (8th Cir. 1990). Having independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal.

Accordingly, we affirm, and we grant counsel's motion to withdraw.
