

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2050

United States of America,

Appellee,

v.

Jose Sanchez-Pacheco,

Appellant.

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* Appeal from the United States

* District Court for the

* District Court of Minnesota.

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[UNPUBLISHED]

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Submitted: April 6, 2000

Filed: April 10, 2000

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Jose Sanchez-Pacheco challenges the sentence imposed by the District Court¹after he pleaded guilty to being found in the United States without the Attorney General's consent after having been convicted of an aggravated felony and deported, in violation of 8 U.S.C. § 1326(a) and (b)(2) (Supp. IV 1998). His counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that the 16-level enhancement to Sanchez-Pacheco's base offense level under U.S. Sentencing

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

Guidelines Manual § 2L1.2(b)(1)(A) (1998) was unwarranted. Although we granted Sanchez-Pacheco permission to file a pro se supplemental brief, he has not done so.

As part of his plea agreement, Sanchez-Pacheco stipulated to the 16-level enhancement, and he does not challenge the validity of the plea agreement or seek to withdraw from it. Thus, we conclude that he may not challenge this application of the Guidelines on appeal. See United States v. Barrett, 173 F.3d 682, 684 (8th Cir. 1999).

Having reviewed the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues for appeal.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.