

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2392

United States of America,

Appellee,

v.

Dean Mark Prince,

Appellant.

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

[UNPUBLISHED]

Submitted: July 6, 2000

Filed: July 14, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Dean Mark Prince appeals from the final judgment entered in the district court¹ after he pleaded guilty to falsely making counterfeit obligations of the United States, in violation of 18 U.S.C. § 471. The district court sentenced him to thirty-three months imprisonment and three years supervised release. For reversal, he argues the district court erred in not granting him a downward departure under U.S. Sentencing

¹The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.

Guidelines Manual § 5H1.4, p.s. (1998) on grounds that his Acquired Immunodeficiency Syndrome (AIDS) constitutes an extraordinary physical impairment.

Upon careful review of the record, we conclude that the district court's refusal to depart in this case was an unreviewable exercise of discretion. See United States v. Eagle, 133 F.3d 608, 611 (8th Cir. 1998).

In addition, we deny the pending motion.

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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