

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1534NE

United States of America,

Appellee,

v.

Vincente Espinoza, also known as
Manuel De La Torre, also known
as Primo,

Appellant.

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On Appeal from the United
States District Court
for the District of
Nebraska.

[Not To Be Published]

Submitted: November 13, 2000

Filed: November 21, 2000

Before McMILLIAN, RICHARD S. ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Vincente Espinoza appeals from a sentence of 70 months imposed on him after his plea of guilty to conspiracy to distribute cocaine and methamphetamine, in violation of 21 U.S.C. § 846.

The sentence was at the bottom of the Guidelines range (70 to 87 months). Defendant argues that the District Court erred in failing to depart downward on account

of the near certainty that the defendant will be deported after serving his prison term. This argument was not made in the District Court. No request was made in that Court for a downward departure. Accordingly, our review, if we have authority to review the contention at all, would be for plain error. We see no plain error here. In fact, similar contentions have been rejected by this Court. See, e.g., United States v. Bahena, 223 F.3d 797 (8th Cir. 2000); United States v. Saelee, 123 F.3d 1024, 1025-26 (8th Cir. 1997).

Affirmed.

A true copy.

Attest:

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