

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1629NE

United States of America,

Appellee,

v.

Jose Guadalupe Serrano-Sanchez, also
known as Carlos Alvarez, also known
as Pedro Guerro, also known as
Antonio Villaescusa-Ibarra, also known
as Arturo Orosco, also known as
Jose Sorrano Sanchez, also known as
Carlos Savala Alvarez, also known as
Jose Guadalupe Sanchez,

Appellant.

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

[Not To Be Published]

Submitted: March 21, 2001

Filed: April 2, 2001

Before RICHARD S. ARNOLD, BEAM, and MURPHY, Circuit Judges.

PER CURIAM.

Jose Serrano-Sanchez appeals the sentence imposed by the District Court¹ after he pleaded guilty to illegally reentering the United States following deportation, in violation of 8 U.S.C. § 1326(a). The presentence report (PSR) recommended a Guidelines imprisonment range of 77-96 months. The District Court sentenced defendant to 8 years (96 months) imprisonment and 3 years supervised release. On appeal, counsel moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967). In his Anders brief, counsel argues that defendant's sentence is too severe for his offense, because of his limited education and the fact that he has never before been convicted for illegal reentry. Counsel conceded that Serrano-Sanchez did not object to the Sentencing Guidelines range established by the PSR, and that he did not file a downward-departure motion.

We conclude Serrano-Sanchez's argument is unreviewable. See United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam) (dismissing defendant's appeal for lack of jurisdiction when he argued his sentence was excessive because it was imposed at top of Guidelines range; sentence is not reviewable merely because it is at top of properly calculated Guidelines range); United States v. Hutchinson, 926 F.2d 746, 747 (8th Cir. 1991) (per curiam) (defendant's request to be sentenced at low end of Guidelines range is unreviewable).

After conducting the required review under Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues. Accordingly, we affirm and grant counsel's motion to withdraw.

¹The Honorable William G. Cambridge, United States District Judge for the District of Nebraska, now retired.

A true copy.

Attest:

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