

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3815

United States of America,

Appellee,

v.

Carlos Corral-Sanchez,

Appellant.

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

[UNPUBLISHED]

Submitted: May 20, 2002

Filed: May 21, 2002 (Corrected 6/3/02)

Before BOWMAN, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Carlos Corral-Sanchez pleaded guilty to re-entering the United States illegally after deportation, following his conviction for an aggravated felony, in violation of 8 U.S.C. § 1326(a) and (b)(2). The district court¹ sentenced Corral-Sanchez to 46 months imprisonment and 2 years supervised release. On appeal, counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and has filed a brief arguing that the district court erred in denying Corral-Sanchez a downward departure under U.S.S.G. § 5K2.0, on the basis of cultural assimilation.

¹The HONORABLE ROBERT W. PRATT, United States District Judge for the Southern District of Iowa.

Counsel's argument is unreviewable because the district court made a purely discretionary decision not to depart on this basis. See United States v. Edwards, 225 F.3d 991, 992-93 (8th Cir. 2000), cert. denied, 531 U.S. 1100 (2001). Further, following our independent review, see Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, we affirm.

A true copy.

Attest:

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