

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1263

United States of America,

Appellee,

v.

Jose Luis Ramos-Corona,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.
[UNPUBLISHED]

Submitted: June 5, 2002
Filed: June 10, 2002

Before MURPHY, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Jose Luis Ramos-Corona pleaded guilty to one count of conspiring to distribute and possess with intent to distribute 500 grams or more of a substance containing methamphetamine, in violation of 21 U.S.C. § 846. After the district court¹ sustained Ramos-Corona's objections to the presentence report's drug-quantity determination and 2-level firearm enhancement, he was subject to a Guidelines imprisonment range of 97-121 months and a statutory mandatory minimum sentence of 120 months. The court then sentenced him to 121 months in prison and 5 years supervised release.

¹The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

On appeal Ramos-Corona's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the district court should have sentenced Ramos-Corona to 120 rather than 121 months imprisonment. We may not review a sentence, however, simply because it is at the top of a properly calculated Guidelines range. See United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam).

Having found no nonfrivolous issues in our independent review of the record, see Penson v. Ohio, 488 U.S. 75, 80 (1988), we grant counsel's motion to withdraw and we affirm.

A true copy.

Attest:

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