

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1354

United States of America,

Appellee,

v.

Hugo Segura-Gomez,

Appellant.

*

*

*

*

*

*

*

*

*

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

[UNPUBLISHED]

Submitted: April 18, 2006

Filed: April 19, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Hugo Segura-Gomez appeals the 120-month prison sentence the district court* imposed after Segura-Gomez pleaded guilty to a drug-conspiracy charge. On appeal, counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

To the extent the Anders brief can be read to challenge the imposition of a statutory mandatory minimum sentence, Gomez's argument fails. See United States

*The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003) (sole authority for district court to depart from statutory minimum sentence is found in 18 U.S.C. § 3553(e) and (f), which apply only when government makes motion for substantial assistance or defendant qualifies for safety-valve relief); United States v. Mendoza, 876 F.2d 639, 641 (8th Cir. 1989) (mandatory minimum sentencing does not violate defendant's constitutional rights).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we conclude there are no nonfrivolous issues. Accordingly, we affirm the district court's judgment and grant counsel leave to withdraw.
