

United States Court of Appeals
For the Eighth Circuit

No. 23-3043

United States of America

Plaintiff - Appellee

v.

David Roy Bolinger

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: October 1, 2024

Filed: October 4, 2024

[Unpublished]

Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

David Bolinger appeals after he pleaded guilty to conspiracy to distribute at least 50 grams of methamphetamine, and the district court¹ sentenced him to the

¹The Honorable Stephen H. Locher, United States District Judge for the Southern District of Iowa.

statutory minimum of 120 months in prison. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967).

Bolinger's challenge to his sentence is unavailing, as he received the statutory minimum sentence. *See* 21 U.S.C. § 841(b)(1)(A)(viii) (providing for a 10-year mandatory minimum for an offense involving at least 50 grams of methamphetamine). The district court had no discretion to impose a lower sentence in the absence of eligibility for safety-valve relief under 18 U.S.C. § 3553(f), or the government filing a motion under 18 U.S.C. § 3553(e). *See United States v. Chacon*, 330 F.3d 1065, 1066 (8th Cir. 2003).

We have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel leave to withdraw.
