

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

Nos. 00-1839/1888

United States of America,	*	
	*	
Appellee,	*	
	*	Appeals from the United States
v.	*	District Court for the District
	*	of Nebraska.
Harry D. Mosley, Jr.,	*	
	*	[UNPUBLISHED]
Appellant.	*	

Submitted: August 3, 2000

Filed: August 10, 2000

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

PER CURIAM.

Harry D. Mosley, Jr., pleaded guilty of three bank robberies, in violation of 18 U.S.C. § 2113(a) and (d), and was sentenced to 192 months imprisonment and three years supervised release. He appeals, arguing that the district court¹ erroneously applied a three-level enhancement for displaying a toy gun during the offenses.

¹The Honorable Thomas M. Shanahan, United States District Judge for the District of Nebraska.

We decline to consider the issue because the challenged enhancement ultimately did not affect Mr. Mosley's sentence: with or without the enhancement, his offense level was fixed at a higher level, thirty-four, because he was a career offender. See United States v. Darden, 70 F.3d 1507, 1548 n.17 (8th Cir. 1995) (declining to review argument which would not affect sentence), cert. denied, 517 U.S. 1149 and 518 U.S. 1026 (1996); see also Williams v. United States, 503 U.S. 193, 203 (1992) (error that does not affect court's selection of sentence imposed is harmless).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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