

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

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No. 99-4330

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United States of America,

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Appellee,

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v.

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Appeals from the United States

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District Court for the Northern

James Christopher Kopp,

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District of Iowa

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Appellant.

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[Unpublished]

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Submitted: September 12, 2000

Filed: October 18, 2000

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Before BOWMAN and BEAM, Circuit Judges, and BOGUE,<sup>1</sup> District Judge.

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PER CURIAM.

James Christopher Kopp petitions for review of the District Court's<sup>2</sup> finding that Kopp distributed methamphetamine. Kopp argues that he possessed amphetamine and

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<sup>1</sup>The Honorable Andrew W. Bogue, Senior United States District Judge for the District of South Dakota, sitting by designation.

<sup>2</sup>The Honorable Michael J. Melloy, United States District Judge for the Northern District of Iowa.

should have been sentenced accordingly. He does not contest his guilty plea to conspiracy and possession of a controlled substance.

The District Court discredited Kopp's testimony and found there was sufficient evidence to sentence him under the methamphetamine guidelines. This appeal is controlled by the decision United States v. Hyatt, 156 F.3d 813 (8<sup>th</sup> Cir. 2000). In that decision, Kopp's co-conspirator had his conviction and sentence under the methamphetamine guidelines upheld. The *Hyatt* decision is precisely on point with this appeal, consequently, we reach the same decision.

Accordingly, we affirm.

A true copy.

Attest:

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