

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

No. 00-3193WM

United States of America,	*	
	*	
Appellee,	*	On Appeal from the United States
	*	District Court for the
v.	*	Western District of Missouri.
	*	
Ulises G. Pomel, also known as Ulises	*	[Not To Be Published]
Pomiel-Garcia, also known as Ulises G.	*	
Pomiel-Garcia,	*	
	*	
Appellant.	*	

Submitted: June 27, 2001
Filed: July 13, 2001

Before HANSEN, RICHARD S. ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Ulises G. Pomel pleaded guilty to conspiring to distribute cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(iii), and possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). At sentencing the District Court¹ granted the government's motion for a substantial-assistance

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

departure, departing downward from Pomel's Guidelines imprisonment range by approximately five years, and sentenced him to concurrent terms of sixteen years and eight months (200 months) imprisonment and five years supervised release on the drug charge and ten years (120 months) imprisonment and three years supervised release on the firearm charge. On appeal, counsel has filed a brief and moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), challenging only the extent of the Court's departure. Although we granted Pomel permission to file a pro se supplemental brief, he has not done so.

The extent of the District Court's departure is unreviewable. See United States v. Dutcher, 8 F.3d 11, 12 (8th Cir. 1993). Additionally, we have reviewed the record pursuant to Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues.

Accordingly, we grant counsel's motion and affirm.

A true copy.

Attest:

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