

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

No. 00-3929WM

United States of America,

Appellee,

v.

Christopher Matthew Phillips,

Appellant.

*
* On Appeal from the United
* States District Court
* for the Western District
* of Missouri.
*
* [Not To Be Published]
*
*

Submitted: July 17, 2001

Filed: August 1, 2001

Before BOWMAN, RICHARD S. ARNOLD, and LOKEN, Circuit Judges.

PER CURIAM.

Christopher Matthew Phillips pleaded guilty to using an interstate-commerce facility to solicit murder for hire, in violation of 18 U.S.C. § 1958. At sentencing, counsel for Phillips and the government requested that Phillips be sentenced at the low end of the applicable Guidelines imprisonment range of 87-108 months. Nevertheless, the District Court¹ sentenced Phillips to 108 months imprisonment and three years

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

supervised release. On appeal, Phillips's attorney has filed a brief and moved to withdraw under Anders v. California, 386 U.S. 738 (1967).

Phillips cannot challenge his sentence merely because it is at the top of the relevant Guidelines range. See 18 U.S.C. § 3742(a) (limiting appeals to sentences imposed in violation of law, sentences imposed due to incorrect application of Guidelines, sentences above applicable Guidelines range, and unreasonable sentences imposed for offenses for which there are no Guidelines); United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam).

Having found no nonfrivolous issues for appeal upon our independent review pursuant to Penon v. Ohio, 488 U.S. 75 (1988), we affirm the judgment of the District Court, and we grant counsel's motion to withdraw.

A true copy.

Attest:

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