

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3195

United States of America,

Appellee,

v.

Jorge Mireles-Torres,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: April 4, 2002
Filed: April 9, 2002

Before LOKEN, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Jorge Mireles-Torres appeals the sentence imposed by the district court¹ upon his guilty plea to illegal reentry following deportation for an aggravated felony, in violation of 8 U.S.C. § 1326(a) and (b)(2). Pursuant to Anders v. California, 386 U.S. 738 (1967), counsel has moved to withdraw, and has filed a brief raising the issue whether Mireles-Torres's sentence is too harsh.

¹The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa.

At sentencing, Mireles-Torres raised no objection to the accuracy of the presentence report's facts and Guidelines calculations, and the sentence imposed--also without objection--was at the bottom of the applicable Guidelines range. His argument on appeal is unreviewable. See 18 U.S.C. § 3742(a); cf. United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam) (sentence is not reviewable merely because it is at top of properly calculated Guidelines range).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, we affirm, and we grant counsel's motion to withdraw.

A true copy.

Attest:

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