

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

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No. 02-2271

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United States of America,

Appellee,

v.

Sebastian Beltran-Bueno,

Appellant.

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Appeal from the United States  
District Court for the Western  
District of Missouri.  
[UNPUBLISHED]

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Submitted: November 12, 2002

Filed: November 18, 2002

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Before WOLLMAN, LOKEN, and RILEY, Circuit Judges.

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PER CURIAM.

Sebastian Beltran-Bueno pleaded guilty to illegal reentry following deportation, in violation of 8 U.S.C. § 1326(a) and (b)(2), and the district court<sup>1</sup> sentenced him to 41 months of imprisonment and 3 years of supervised release. On appeal, counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and has filed a brief arguing that the district court should have granted

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<sup>1</sup>The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

Beltran-Bueno's motion for a downward departure because he agreed to be voluntarily deported.

The district court's comments at sentencing indicate that its decision not to depart was purely discretionary, and therefore the decision is unreviewable on appeal. See United States v. Field, 110 F.3d 587, 591-92 (8th Cir. 1997).

Moreover, following our independent review, see Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, the judgment is affirmed. We also grant counsel's motion to withdraw.

A true copy.

Attest:

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