

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

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No. 03-1625

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United States of America,

Appellee,

v.

Matthew Monks,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* Western District of Missouri.  
\* [UNPUBLISHED]  
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Submitted: August 5, 2003

Filed: August 8, 2003

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Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Matthew Monks pleaded guilty to knowingly possessing a firearm transported in interstate commerce after he had been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The district court<sup>1</sup> sentenced him to 120 months of imprisonment, to run consecutively to a state parole-revocation sentence he was serving, 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

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

raising the issue whether the district court erred in refusing to order Monks's sentence to run concurrently with the state parole-revocation sentence.

Monks's argument is foreclosed by this court's prior precedent. See United States v. Smith, 282 F.3d 1045, 1046-48 (8th Cir. 2002) (when defendant is subject to undischarged prison term that is part of parole-revocation sentence, consecutive sentences are mandated); U.S.S.G. § 5G1.3 comment. (n.6) (if defendant was on state parole at time of instant offense and has had such parole revoked, sentence should run consecutively to parole violation term in order to provide incremental penalty).

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