

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

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No. 03-1055

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United States of America,

Appellee,

v.

Deborah Mae Erenberger,

Appellant.

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

[UNPUBLISHED]

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Submitted: September 15, 2003

Filed: September 15, 2003

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Before **BYE, BOWMAN, and MELLOY**, Circuit Judges.

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PER CURIAM.

Deborah Erenberger pleaded guilty to aiding and abetting the distribution of approximately 9.8 grams of a substance containing cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) (2000), and 18 U.S.C. § 2 (2000). The District Court<sup>1</sup> sentenced her to fifty-seven months of imprisonment and four years of supervised release. On appeal, counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the District Court abused its discretion in refusing to depart

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<sup>1</sup>The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

downward under United States Sentencing Guidelines § 5K2.0 (2002), based on defendant's extraordinary post-offense rehabilitation.

The record indicates, however, that the District Court made an entirely discretionary decision not to depart, which is unreviewable on appeal. See United States v. Lim, 235 F.3d 382, 385 (8th Cir. 2000). Following our independent review of the record, see Penon v. Ohio, 488 U.S. 75, 83 n.6 (1988), we find no nonfrivolous issues. Accordingly, we affirm.

A true copy.

Attest:

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