

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

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No. 01-3956

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United States of America,

Appellee,

v.

Laura A. Seger,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* District of Nebraska.  
\* [UNPUBLISHED]  
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Submitted: September 30, 2003

Filed: October 6, 2003

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

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PER CURIAM.

Laura Seger pleaded guilty to an indictment charging her with possessing with intent to distribute cocaine, in violation of 21 U.S.C. § 841 and 18 U.S.C. § 2 (Count I), and possessing a short-barreled shotgun in relation to the charged drug-trafficking crime, in violation of 18 U.S.C. §§ 924 and 2 (Count II). At sentencing, the district court<sup>1</sup> denied Seger's motion for a downward departure and sentenced her to consecutive terms of 21 months' imprisonment on Count I and 120 months'

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<sup>1</sup>The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

imprisonment on Count II, to be followed by concurrent 3-year terms of supervised release. Seger appeals, arguing that the district court erred in denying her departure motion.

We conclude that Seger's argument is unavailing. The district court lacked the power to depart below the 10-year statutory minimum for Count II, see United States v. Villar, 184 F.3d 801, 803 (8th Cir. 1999), and we do not review the district court's discretionary decision not to depart from the Guidelines imprisonment range for Count I, see United States v. Rice, 332 F.3d 538, 540 (8th Cir. 2003).

The judgment is affirmed.

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