

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

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No. 03-3293

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United States of America,

Appellee,

v.

Teodoro Blanco-Heras,

Appellant.

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\* Appeal from the United States

\* District Court for the

\* District of Nebraska.

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\* [UNPUBLISHED]

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Submitted: April 6, 2004

Filed: April 14, 2004

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

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PER CURIAM.

Teodoro Blanco-Heras (Blanco) pleaded guilty to conspiring to distribute 500 grams or more of a mixture containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1), and 846. The district court<sup>1</sup> sentenced him to 135 months in prison and 5 years supervised release. On appeal, counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and has filed a brief in which he

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

challenges the severity of Blanco's sentence and suggests the district court should have departed downward.

We reject counsel's arguments. First, the length of Blanco's sentence does not provide a basis for reversal, as it is within a Guidelines range that Blanco does not contest. See 18 U.S.C. § 3742; United States v. Smotherman, 326 F.3d 988, 989 (8th Cir.) (per curiam), cert. denied, 124 S. Ct. 293 (2003). Second, Blanco did not request a departure below, and the district court was not required to grant one sua sponte.

Following our independent review, see Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm, and we grant counsel permission to withdraw.

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