

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2230

United States of America,

Appellee,

v.

Sebastian Burgos-Martinez,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: March 3, 2006
Filed: March 15, 2006

Before MURPHY, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Sebastian Burgos-Martinez pleaded guilty to conspiring to distribute and possess with intent to distribute 500 grams or more of a methamphetamine mixture, in violation of 21 U.S.C. § 846, and the district court¹ imposed the statutory minimum sentence of 120 months imprisonment and 5 years supervised release. On appeal, counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

Counsel's Anders-brief arguments – that the district court should have granted Burgos-Martinez safety-valve relief, and that the resulting sentence of 120 months imprisonment was unreasonable under 18 U.S.C. § 3553(a) – are unavailing. It is undisputed that Burgos-Martinez was unwilling to provide an interview to the government about the offense and thus did not qualify for safety-valve relief, see 18 U.S.C. § 3553(f) (safety-valve relief requirements); and the district court imposed the lowest sentence possible for the offense, see 21 U.S.C. § 841(b)(1)(A)(viii).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
