

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3635

United States of America,

Appellee,

v.

Allende Delgado-Ruiz, also known as
Juan Ruiz,

Appellant.

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

[UNPUBLISHED]

Submitted: March 7, 2007
Filed: March 15, 2007

Before RILEY, HANSEN, and MELLOY, Circuit Judges.

PER CURIAM.

Allende Delgado-Ruiz (Ruiz) appeals the sentence the district court¹ imposed upon his guilty plea to illegally reentering the United States after having been removed subsequent to a felony conviction, in violation of 8 U.S.C. § 1326(a) and (b)(1). The court sentenced Ruiz to 41 months' imprisonment and 3 years' supervised release. Ruiz's counsel has moved to withdraw and has filed a brief under Anders v.

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

California, 386 U.S. 738 (1967), arguing that enhancing Ruiz’s sentence based on prior convictions (for which he has already been punished) resulted in double punishment.

We reject this argument. See United States v. Thomas, 930 F.2d 12, 14 (8th Cir. 1991) (use of prior crimes to enhance sentence does not violate Double Jeopardy Clause). Further, having reviewed the record independently pursuant to Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel’s motion to withdraw, and we affirm.
