

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

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No. 06-3156

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United States of America,

Appellee,

v.

Raul Chavez-Rios,

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[UNPUBLISHED]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 6, 2007  
Filed: September 14, 2007

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Before BYE, RILEY, and MELLOY, Circuit Judges.

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PER CURIAM.

Raul Chavez-Rios (Chavez-Rios) pled guilty to conspiring to distribute methamphetamine within 1,000 feet of a park, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(B), 860(a), and 846 (Count 1); and distributing methamphetamine within 1,000 feet of a park, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 860(a) (Counts 2-4). Chavez-Rios acknowledged before entering his plea that he was subject to a statutory mandatory minimum of 10 years in prison on Count 1. The district court<sup>1</sup> sentenced Chavez-Rios to the statutory minimum 120 months'

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<sup>1</sup>The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

imprisonment and 5 years' supervised release with the sentences on the counts to run concurrently. On appeal, Chavez-Rios's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), arguing the sentence is unreasonable under United States v. Booker, 543 U.S. 220 (2005). This argument is unavailing. Because Chavez-Rios did not qualify for a substantial-assistance departure or for safety-valve relief, the district court had no authority to impose a sentence below the statutory minimum. See United States v. Gregg, 451 F.3d 930, 937 (8th Cir. 2006); United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003).

After reviewing the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues for appeal. We grant counsel leave to withdraw, and we affirm.

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