

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

No. 07-2381

United States of America,

Appellee,

v.

Dana Reth,

Appellant.

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

[UNPUBLISHED]

Submitted: December 11, 2007

Filed: December 19, 2007

Before BYE, JOHN R. GIBSON, and MELLOY, Circuit Judges.

PER CURIAM.

Dana Reth was indicted in the Northern District of Iowa on a charge of possession of a firearm as a felon in violation of 18 U.S.C. § 922(g)(1). He moved to dismiss the charge on the ground that he was not a "convicted" felon on the date he possessed the firearms in question because he had received a deferred judgment from the state on the predicate felony offense. The district court¹ denied the motion to

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

dismiss, finding under Iowa law the deferred judgment did count as a conviction for purposes of § 922(g)(1).

Reth entered a conditional plea of guilty, and was sentenced to fifteen months of imprisonment. Reth appeals, renewing his claim that his deferred judgment was not a "conviction" sufficient to disable his right to possess firearms under Iowa law. He requested we certify the question to the Iowa Supreme Court. After careful de novo review, we conclude denial was proper for the reasons stated in the well-reasoned opinion of the district court. Accordingly, we decline certification and affirm the decision of the district court. See 8th Cir. R. 47B.
