

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

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No. 08-3443

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United States of America,	*
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Appellee,	*
	* Appeal from the United States
v.	* District Court for the
	* District of Nebraska.
Rene Manuel Vargas-Miranda,	*
	* [UNPUBLISHED]
Appellant.	*

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Submitted: August 28, 2009  
Filed: September 1, 2009

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Before BYE, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Rene Manuel Vargas-Miranda appeals from the 120-month prison sentence the district court<sup>1</sup> imposed after he pled guilty to possessing with intent to distribute 1 kilogram or more of a mixture or substance containing heroin. Counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is unreasonable and that the district court erred in not granting Vargas-Miranda safety-valve relief. Specifically, counsel asserts that Vargas-Miranda satisfied U.S.S.G.

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

§ 5C1.2's requirement of truthfully providing the government with information by admitting his involvement in the offense at the plea hearing.

We find no error in the district court's decision not to grant Vargas-Miranda safety-valve relief. *See United States v. Guerra-Cabrera*, 477 F.3d 1021, 1025 (8th Cir. 2007) (to merit safety-valve treatment, defendant must do more than disclose basic facts of his crime); *United States v. Alarcon-Garcia*, 327 F.3d 719, 723 (8th Cir. 2003) (while defendant seeking safety-valve relief is not obliged to submit to government interview, he takes very dangerous course if he declines to offer himself for debriefing). We also hold that a challenge to the reasonableness of Vargas-Miranda's prison sentence is precluded, because he was sentenced to the statutory minimum. *See* 21 U.S.C. § 841(b)(1)(A)(i) (establishing minimum prison term of 10 years for person convicted of possessing with intent to distribute 1 kilogram or more of mixture or substance containing heroin); *United States v. Hawkins*, 548 F.3d 1143, 1150 (8th Cir. 2008) (reasonableness review does not apply to statutorily mandated sentences), *cert. denied*, 129 S. Ct. 2757 (2009).

We have reviewed the record independently in accordance with *Penson v. Ohio*, 488 U.S. 75 (1988), and find no nonfrivolous issues.

Accordingly, we grant counsel leave to withdraw, and we affirm.

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