

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3487

United States of America,

Appellee,

v.

Stephanie Thi Nguyen,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: January 31, 2011
Filed: February 3, 2011

Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

PER CURIAM.

Stephanie Thi Nguyen pleaded guilty to conspiring to distribute 500 grams or more of a methamphetamine mixture, in violation of 21 U.S.C. § 846, and subject to sentencing under 21 U.S.C. § 841(b)(1). The district court¹ sentenced her to the statutory minimum of 120 months in prison and 5 years of supervised release. Nguyen appeals. Her counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

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

Counsel's challenge to the sentence is unavailing. The record reflects that Nguyen understood the statutory mandatory minimum penalties when she entered her guilty plea. The district court had no discretion to impose a sentence below the statutory minimum where there was neither a departure motion by the government nor eligibility for safety-valve relief. See United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issue. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment.
