

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1474

United States of America,

Appellee,

v.

Stacy Bass,

Appellant.

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

[UNPUBLISHED]

Submitted: October 4, 2011
Filed: November 10, 2011

Before WOLLMAN, SMITH, and GRUENDER, Circuit Judges.

PER CURIAM.

Stacy Bass pleaded guilty to conspiring to distribute 500 grams of a mixture containing at least 50 grams of pure methamphetamine, see 21 U.S.C. §§ 841(a)(1), (b)(1)(A) (10-year minimum prison term), and 846; and distributing, and aiding and abetting others in the distribution of, approximately 27.77 grams of a mixture containing 11.66 grams of pure methamphetamine, see 21 U.S.C. § 841(a)(1), (b)(1)(B) and 18 U.S.C. § 2. The district court¹ sentenced Bass to concurrent terms of 120 months in prison. Her counsel has moved to withdraw and filed a brief under

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

Anders v. California, 386 U.S. 738 (1967), asserting that the government acted in bad faith in refusing to move under 18 U.S.C. § 3553(e) and U.S.S.G. § 5K1.1 for a sentence reduction based on Bass's substantial assistance.

The challenge is unavailing because there is no indication in the record that the government's decision not to move for a sentence reduction was improper. See United States v. Perez, 526 F.3d 1135, 1138-39 (8th Cir. 2008); United States v. Wattree, 431 F.3d 618, 624 (8th Cir. 2005); United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003).

Having reviewed the record under Penson v. Ohio, 448 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion, and affirm the judgment.
