

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-3082

United States of America,	*
	*
Appellee,	*
	*
v.	* Appeal from the United States
	* District Court for the
Jose Luis Murillo-Estrada,	* Southern District of Iowa.
	*
Appellant.	* [Unpublished]
	*

Submitted: April 7, 1997

Filed: April 24, 1997

Before HANSEN, MORRIS SHEPPARD ARNOLD, and MURPHY, Circuit Judges.

PER CURIAM.

Jose Luis Murillo-Estrada appeals his 55-month sentence imposed by the district court,¹ following a guilty plea to one count of unlawful entry by an alien who was previously deported after a conviction for an aggravated felony, in violation of 8 U.S.C. § 1326(a) and 18 U.S.C. § 2. His counsel filed a brief pursuant to Anders v. California,

¹The Honorable R. E. Longstaff, United States District Judge for the Southern District of Iowa.

386 U.S. 738 (1986), and was granted leave to withdraw. Murillo-Estrada did not avail himself of the opportunity to file a pro se supplemental brief. We affirm.

Murillo-Estrada argues only that the district court abused its discretion in not sentencing him at the bottom of the Guidelines range. He does not argue that his sentence was imposed in violation of law or as a result of an incorrect application of the Guidelines. We conclude that his sentence, which was near the top of a properly calculated Guidelines range, is unreviewable. See United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam).

We have carefully reviewed the record and we find no other nonfrivolous issue for appeal. See Penson v. Ohio, 488 U.S. 75, 80 (1988).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.