

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2778

United States of America,

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Appellee,

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v.

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Appeal from the United States

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District Court for the

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Eastern District of Missouri.

David Dodson,

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[UNPUBLISHED]

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Appellant.

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Submitted: January 7, 1998

Filed: January 12, 1998

Before BOWMAN, WOLLMAN, and LOKEN, Circuit Judges.

PER CURIAM.

After David Dodson pleaded guilty to armed robbery, in violation of 18 U.S.C. § 2113(a), (d), and to using a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c)(1), the district court sentenced him to 40 months' imprisonment for the armed robbery and a consecutive 60-month sentence for the firearm offense. On appeal, we vacated Dodson's sentence and remanded for resentencing, agreeing with him that the district court's assessment of a two-level increase under U.S. Sentencing Guidelines Manual § 2B3.1(b)(3)(A) (1997) (add two levels if any victim sustained bodily injury) was erroneous. See United States v. Dodson, 109 F.3d 486, 488-89 (8th

Cir. 1997). On remand, the district court recalculated Dodson's Guidelines range without the two-level enhancement, resentenced him to 33 months' imprisonment for the armed robbery, and reimposed the balance of his original sentence. On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising sentencing challenges. We affirm.

Counsel raises two issues in the Anders brief, first, that the district court failed to comply with our mandate in Dodson, and second, that the court resentenced Dodson contrary to established law and the Guidelines. We reject both issues. Dodson's 33-month sentence is consistent with our directive in Dodson, and is within both the revised Guidelines range and the applicable statutory maximum sentence.

After conducting the review required under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

The sentence is affirmed.

A true copy.

Attest:

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