

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2001MN

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the District
v.	*	of Minnesota.
	*	
Quincy Deron Donnell,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: September 18, 1998
Filed: September 21, 1998

Before FAGG, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Quincy Deron Donnell appeals the sentence imposed by the district court after Donnell pleaded guilty to being a felon in possession of a firearm. For reversal, Donnell challenges the district court's refusal to depart downward from the applicable Guidelines imprisonment range based on Donnell's overstated criminal history category and other circumstances Donnell believed justified departure. Because the record fails to show the district court misunderstood its authority to depart downward, the district court's refusal to exercise that authority is unreviewable. See United States v. Saelee, 123 F.3d 1024, 1025 (8th Cir. 1997) (discretionary decision not to depart from Guidelines is unreviewable on appeal absent unconstitutional motive); United States

v. Uder, 98 F.3d 1039, 1046-47 (8th Cir. 1996) (discretionary decision not to grant U.S.S.G. § 4A1.3 departure motion is unreviewable). We affirm Donnell's sentence.

A true copy.

Attest:

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