

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-1979NE

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United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the District of
v.	*	Nebraska.
	*	
Todd J. Handy,	*	[UNPUBLISHED]
	*	
Appellant.	*	

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Submitted: September 11, 1998  
Filed: November 16, 1998

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Before FAGG, BEAM, and LOKEN, Circuit Judges.

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PER CURIAM.

Todd J. Handy appeals the fine imposed by the district court following Handy's guilty plea to a firearms violation. Because Handy failed to object to the fine at sentencing, we review only for plain error. See United States v. Prendergast, 4 F.3d 560, 561 (8th Cir. 1993) (per curiam). Although the district court failed to make detailed findings on the factors it considered in setting the amount of the fine, the district court explained the fine was geared to Handy's ability to pay the fine from his prison and postsupervised release earnings, see United States v. Johnston, 973 F.2d 611, 615 (8th Cir. 1992), and Handy failed to show any impediment to his ability to pay the fine sometime in the future, see United States v. Berndt, 86 F.3d 803, 808 (8th

Cir. 1996). In these circumstances, we cannot say a fine based on Handy's future earning potential was plainly erroneous. We thus affirm the fine imposed by the district court. Additionally, we encourage the district court to compare condition 16 of Handy's supervised release with this court's decision in United States v. Hines, 88 F.2d 661, 663-64 (8th Cir. 1996), to make sure the condition conforms with Hines if Handy is unable fully to pay the fine out of his prison earnings.

A true copy.

Attest:

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