

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

No. 99-1053

United States of America,

Appellee,

v.

Victor M. Ojeda, also known as
Victor Meduras,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: August 23, 1999
Filed: August 26, 1999

Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Victor M. Ojeda appeals the sentence imposed by the district court after Ojeda pleaded guilty to distribution of 100 or more grams of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). Ojeda contends the district court erroneously applied a two-level weapon enhancement under U.S. Sentencing Guidelines Manual § 2D1.1(b)(1) (1995). The alleged error is unreviewable, however, because the sentence Ojeda received is still a downward departure from the Guidelines range that would have resulted if he had prevailed on his challenge to the weapon enhancement. See United States v. Wyatt, 26 F.3d 863, 864 (8th Cir. 1994) (per curiam).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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