

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2106

United States of America,

Appellee,

v.

Christopher Meade,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: December 17, 1999

Filed: December 22, 1999

Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Christopher Meade pleaded guilty to conspiring to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C.A. §§ 841(a)(1), 841(b)(1)(A), and 846 (1999). Over Meade's objection, the District Court¹ applied a two-level enhancement to Meade's offense level for possessing firearms in connection with the offense. See U.S.S.G. § 2D1.1(b)(1) (1997). The Court calculated Meade's total offense level as 33, resulting in a guidelines imprisonment range of 188-235

¹The Honorable Michael J. Melloy, Chief Judge, United States District Court for the Northern District of Iowa.

months. After granting the government's substantial-assistance downward-departure motion, the District Court sentenced Meade to 150 months imprisonment and five years supervised release. Meade appeals, arguing that the District Court erroneously applied the weapon enhancement.

We conclude that the issue is unreviewable because Meade's sentence is below the applicable guidelines range, with or without the enhancement. See United States v. Baker, 64 F.3d 439, 441 (8th Cir. 1995); United States v. Wyatt, 26 F.3d 863, 864 (8th Cir. 1994) (per curiam). Specifically, if the District Court had not applied the weapon enhancement, Meade's total offense level would have been 31, and his guidelines imprisonment range would have been 151-188 months. See U.S.S.G. § 5A (1997).

Accordingly, we affirm the judgment of the District Court.

A true copy.

Attest:

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