

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2672

United States of America,

Appellee,

v.

Derrick Uraye Stricklin,

Appellant.

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* Appeal from the United States

* District Court for the

* District of Nebraska.

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* [UNPUBLISHED]

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Submitted: July 7, 2009

Filed: July 22, 2009

Before WOLLMAN, MURPHY, and MELLOY, Circuit Judges.

PER CURIAM.

Derrick Stricklin appeals the district court's¹ order reducing his sentence from 151 months to 121 months in prison pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 706 to the United States Sentencing Guidelines. Because Stricklin filed a stipulation in the district court, in which he agreed to imposition of a 121-month sentence without the need for a hearing, he may not challenge that sentence on appeal. See United States v. Thompson, 289 F.3d 524, 526 (8th Cir. 2002) (defendant could not complain on appeal that district court sentenced him at low end of Guidelines

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

range, as his lawyer had asked); United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 1995) (defendant who explicitly and voluntarily exposes himself to specific sentence may not challenge that punishment on appeal).

Accordingly, the judgment is affirmed, and counsel is granted leave to withdraw on the condition that counsel inform Stricklin about the procedures for filing petitions for rehearing and for certiorari.
