

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

United States Court of Appeals For the First Circuit

No. 99-2122

UNITED STATES,

Appellee,

v.

MARK M. GOUVEIA,

Defendant, Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF RHODE ISLAND

[Hon. Ernest C. Torres, U.S. District Judge]

Before

Torruella, Chief Judge,
Boudin and Lipez, Circuit Judges.

Edward C. Roy and Roy & Cook on brief for appellant.
Margaret E. Curran, United States Attorney, Donald C. Lockhart and Stephanie S. Browne, Assistant United States Attorneys, on brief for appellee.

July 31, 2000

Per Curiam. After a thorough review of the record and of the parties' submissions, we affirm. This court has no jurisdiction to review a discretionary refusal to depart downward from the sentencing guideline range, see United States v. Reeder, 170 F.3d 93, 109 (1st Cir. 1999), and it is apparent from a review of the record that the court assumed it had the authority to depart and simply chose not to do so.

Affirmed. 1st Cir. Loc. R. 27(c).