

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 97-2444

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United States of America,

Appellee,

v.

Acme W. Price,

Appellant.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri.  
[UNPUBLISHED]

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Submitted: September 5, 1997

Filed: September 18, 1997

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Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

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PER CURIAM.

After Acme W. Price was arrested for robbing a federally-insured bank, he confessed to four other such robberies. Price later pleaded guilty to an indictment charging him with one count of acting with others to rob a federally-insured bank, in violation of 18 U.S.C. §§ 2113(a) and 2, and with four counts of robbing a federally-

insured bank, in violation of section 2113(a). The district court<sup>1</sup> sentenced Price to 120 months' imprisonment and 2 years' supervised release. Price appeals his sentence, arguing that the district court erred in denying his request pursuant to U.S. Sentencing Guidelines Manual § 5K2.0, p.s. (1995), for a departure from the applicable Guidelines range based on his extraordinary acceptance of responsibility.

As the district court's remarks at sentencing evince recognition of its authority to depart, we conclude that the court's refusal to do so was an unreviewable exercise of discretion. See United States v. Hernandez-Reyes, 114 F.3d 800, 802 (8th Cir. 1997).

The judgment is affirmed.

A true copy.

Attest:

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

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<sup>1</sup>The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.