

United States Court of Appeals
For the Eighth Circuit

No. 21-3477

United States of America

Plaintiff - Appellee

v.

William Matthew Plump

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: October 18, 2022

Filed: October 21, 2022

[Unpublished]

Before ERICKSON, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

William Plump received a 144-month prison sentence after he pleaded guilty to possession with intent to distribute methamphetamine. *See* 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii). He asks us to vacate his sentence due to alleged misstatements made at sentencing.

We conclude that Plump has failed to show that any of the alleged misstatements affected his substantial rights. See *United States v. Isler*, 983 F.3d 335, 341, 343 (8th Cir. 2020) (applying the plain-error standard to unpreserved claims of procedural sentencing error); *United States v. Alaboudi*, 786 F.3d 1136, 1141 (8th Cir. 2015) (using the same standard to evaluate unpreserved claims of prosecutorial misconduct). The district court¹ carefully explained its reasons for imposing a 144-month sentence, and nothing (other than speculation) suggests that it actually relied on any false information in sentencing him. See *United States v. Pirani*, 406 F.3d 543, 553 (8th Cir. 2005) (en banc). We accordingly affirm the judgment and deny the motion to supplement the record.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

Appendix B

No: 21-3477

United States of America

Appellee

v.

William Matthew Plump

Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:20-cr-00026-RGE-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

November 28, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

App. - 003

§ 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

HISTORY:

June 25, 1948, ch 645, § 1, 62 Stat. 763; May 24, 1949, ch 139, § 34, 63 Stat. 94; Aug. 12, 1970, P.L. 91-375, § 6(j)(11), 84 Stat. 778; Aug. 9, 1989, P. L. 101-73, Title IX, Subtitle F, § 961(i); 103 Stat. 500; Nov. 29, 1990, P. L. 101-647, Title XXV, Subtitle A, § 2504(h), 104 Stat. 4861; Sept. 13, 1994, P. L. 103-322, Title XXV, § 250006, Title XXXIII, § 330016(1)(H), 108 Stat. 2087, 2147; July 30, 2002, P. L. 107-204, Title IX, § 903(a), 116 Stat. 805; Jan. 7, 2008, P. L. 110-179, § 4, 121 Stat. 2557.

§ 1343. Fraud by wire, radio, or television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

HISTORY:

Added July 16, 1952, ch 879, § 18(a), 66 Stat. 722; July 11, 1956, ch 561, 70 Stat. 523; Aug. 9, 1989, P. L. 101-73, Title IX, Subtitle F, § 961(j), 103 Stat. 500; Nov. 29, 1990, P. L. 101-647, Title XXV, Subtitle A, § 2504(i), 104 Stat. 4861; Sept. 13, 1994, P. L. 103-322, Title XXXIII, § 330016(1)(H), 108 Stat. 2147; July 30, 2002, P. L. 107-204, Title IX, § 903(b), 116 Stat. 805; Jan. 7, 2008, P. L. 110-179, § 3, 121 Stat. 2557.