

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1700

United States of America,

Appellee,

v.

Dexter Neal,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: September 12, 2000

Filed: September 25, 2000

Before McMILLIAN and BOWMAN, Circuit Judges, and BOGUE,¹ District Judge.

PER CURIAM.

Dexter Neal appeals his conviction under 21 U.S.C. § 841(a)(1) for distribution of cocaine base and cocaine. Defendant argues the District Court² erred by denying defendant's motion for a directed verdict based upon insufficiency of the evidence, and claims ineffective assistance of trial counsel.

¹The Honorable Andrew W. Bogue, United States District Judge for the District of South Dakota, sitting by designation.

²The Honorable G. Thomas Eisele, United States District Judge for the Eastern District of Arkansas.

We conclude the evidence presented is adequate to sustain the jury's verdict. See United States v. Hawkey, 148 F.3d 920, 923 (8th Cir. 1998) (setting out standard of review). Furthermore, we conclude that the defendant's ineffective assistance claim is not timely; we reach this conclusion without prejudice to defendant's right to bring a motion for relief under 28 U.S.C. § 2255. See United States v. Iversen, 90 F.3d 1340, 1342 (8th Cir. 1996) (dismissing ineffective assistance claim without prejudice to defendant's right to bring motion for relief under 28 U.S.C. § 2255).

Accordingly, the judgment of the District Court is affirmed.

A true copy.

Attest:

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