

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-3366

United States of America,

Appellee,

v.

Glenn Valentine,

Appellant.

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* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
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* [UNPUBLISHED]
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Submitted: April 6, 2000
Filed: April 11, 2001

Before RICHARD S. ARNOLD, BEAM, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

After a successful 28 U.S.C. § 2255 motion, Glenn Valentine was resentenced on two counts of possessing cocaine with intent to distribute, and one count of possessing heroin with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). The district court¹ calculated an unobjected-to Guidelines imprisonment range of 210-262 months, and resentenced him to two concurrent 240-month prison terms on two of the counts, a consecutive 22-month prison term on the third count, and 3 years supervised

¹The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri.

release. On appeal, Valentine's counsel has filed a brief and moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967). Valentine has filed a pro se supplemental brief, in which he argues that the court erred by imposing the 22-month consecutive sentence to achieve the total 262-month sentence because the statutory maximum prison term for each count was 240 months.

We reject Valentine's challenge to his sentence. See U.S.S.G. § 5G1.2(d); United States v. Sturgis, 238 F.3d 956, 960-61 (8th Cir. 2001); United States v. Kroeger, 229 F.3d 700, 703 (8th Cir. 2000). We have reviewed the record independently pursuant to Penon v. Ohio, 488 U.S. 75 (1988), and we have found no nonfrivolous issues for appeal.

Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw. We deny as moot Valentine's request to proceed pro se on appeal, in light of the pro se supplemental brief that he has filed and we have considered.

A true copy.

Attest:

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