

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2794

United States of America,

Appellee,

v.

Michael B. Lewis, also known as Big
Mike,

Appellant.

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[UNPUBLISHED]

Submitted: December 27, 2002

Filed: January 6, 2003

Before WOLLMAN, FAGG, and MELLOY, Circuit Judges.

PER CURIAM.

Michael Lewis pleaded guilty to conspiring to distribute and possess with intent to distribute more than 50 grams of a substance containing cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. The district court¹ departed downward from the Guidelines range and sentenced him to the statutory minimum of 120 months of imprisonment and 5 years of supervised release. On appeal, counsel

¹The Honorable Scott O. Wright, United States District Judge for the Western District of Missouri.

has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), noting that some of Lewis's codefendants received lower sentences than he did.

Lewis is foreclosed from challenging the length of his sentence, as he specifically requested a sentence of 120 months. See United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 1995) (defendant who explicitly and voluntarily exposes himself to specific sentence may not challenge that punishment on appeal).

Following our independent review, see Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, the judgment is affirmed. We also grant counsel's motion to withdraw.

A true copy.

Attest:

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