

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2543

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the District
v.	*	of Nebraska.
	*	
David R. Boettger,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: November 5, 2003

Filed: November 6, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

David R. Boettger appeals the district court's* ruling on the government's Federal Rule of Criminal Procedure 35(b) motion to depart for substantial assistance. Boettger's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the district court should have departed further. We have no jurisdiction to review the extent of the district court's departure, see United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam), and

*The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

based on our independent review under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

We thus dismiss this appeal, and grant defense counsel's motion to withdraw.
