

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

---

No. 03-2941

---

United States of America,

Appellee,

v.

Omawale Malachi Sims,

Appellant.

\*

\*

\*

\*

\*

\*

\*

\*

\*

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

[UNPUBLISHED]

---

Submitted: March 5, 2004

Filed: March 8, 2004

---

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

---

PER CURIAM.

Omawale Sims appeals his conviction and the sentence the district court\* imposed after Sims pleaded guilty to distributing cocaine base, in violation of 21 U.S.C. § 841(a)(1). Sims's counsel has filed a motion to withdraw and a brief under Anders v. California, 386 U.S. 738 (1967), questioning the length of the sentence. We enforce the appeal waiver included in the plea agreement and limit our review to issues not included within the scope of the waiver. We find Sims's pro se ineffective-

---

\*The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

assistance claims are not properly before us. See United States v. Hughes, 330 F.3d 1068, 1069 (8th Cir. 2003). Based on our independent review under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

We thus grant counsel's motion to withdraw and affirm the judgment of the district court.

---