

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2579

United States of America,

Appellee,

v.

Jeremy C. Conn,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: January 10, 2005

Filed: January 19, 2005

Before WOLLMAN, FAGG, and BYE, Circuit Judges.

PER CURIAM.

Jeremy C. Conn pleaded guilty to drug charges and was sentenced to eighty-four months in prison. In this appeal, Conn's attorney has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the district court should have departed downward from the otherwise applicable Sentencing Guidelines range because Conn's criminal history score overrepresented his criminal propensities. See U.S.S.G. § 4A1.3(b). This argument fails because the district court's discretionary refusal to depart downward is not reviewable on appeal. United States v. Parks, 364 F.3d 902, 906 (8th Cir. 2004). Conn has filed a pro se supplemental brief and his pro se arguments also fail. Having reviewed the Anders

brief, Conn's supplemental brief, and the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues and thus affirm. We grant counsel's motion to withdraw, and deny Conn's pro se motion for copies of discovery and grand jury transcripts.
