

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3869

United States of America,

Appellee,

v.

Perdis Cotton,

Appellant.

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

[UNPUBLISHED]

Submitted: January 12, 2006

Filed: January 19, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Perdis Cotton appeals the 150-month sentence the district court¹ imposed after granting the government's Federal Rule of Criminal Procedure 35(b) motion to reduce Cotton's sentence for his post-sentencing substantial assistance. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the reduction should have been even greater. Counsel's argument is unavailing. See United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam) (extent of Rule 35(b) reduction is unreviewable); cf. United States v.

¹The Honorable Thomas M. Shanahan, United States District Judge for the District of Nebraska.

Williams, 324 F.3d 1049, 1049-50 (8th Cir. 2003) (per curiam) (refusal to depart further under U.S.S.G. § 5K1.1 is not reviewable unless defendant makes “substantial showing” that court’s decision was based on unconstitutional motive).

Having reviewed the resentencing record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant defense counsel’s motion to withdraw, and we affirm.
