

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-4120

United States of America,

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Appellee,

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v.

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Appeal from the United States

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District Court for the

Jeffrey T. Garrison,

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District of Nebraska.

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Appellant.

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[UNPUBLISHED]

Submitted: December 20, 2005

Filed: January 4, 2006

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Jeffrey T. Garrison pleaded guilty to conspiring to distribute and possess with intent to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. § 846. The district court¹ sentenced him to 188 months imprisonment and 5 years supervised release. We affirmed Garrison's sentence on appeal. See United States v. Garrison, 62 Fed. Appx. 746, 747 (8th Cir. 2003) (unpublished per curiam). The government later filed a motion to reduce Garrison's sentence pursuant to Federal Rule of Criminal Procedure 35(b). The district court granted the government's

¹The Honorable Warren K. Urbom, United States District Judge for the District of Nebraska.

motion, and reduced Garrison's sentence to 113 months imprisonment and 5 years supervised release.

On appeal, counsel has moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), and Garrison has not filed a pro se supplemental brief. We conclude counsel's Anders-brief argument – that the court should have granted a greater sentence reduction – is unavailing, because we lack jurisdiction to review the extent of the district court's departure. See United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1988) (per curiam) (challenge to extent of district court's departure on government's Rule 35(b) motion is unreviewable).

Having reviewed the record, we find no other nonfrivolous issues. See Penson v. Ohio, 488 U.S. 75, 80 (1988). We thus dismiss Garrison's appeal for lack of jurisdiction, and grant his attorney's motion to withdraw.
