

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2043

United States of America,

Appellee,

v.

Maurice Wilkins,
also known as Face,

Appellant.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.
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* [UNPUBLISHED]
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Submitted: April 27, 2006

Filed: May 5, 2006

Before ARNOLD, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Maurice Wilkins pleaded guilty to conspiring to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. § 846, and the district court¹ sentenced him to 210 months in prison and 5 years of supervised release. On appeal, he challenges the district court's denial of his motion to withdraw his guilty plea.

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

We conclude that the district court did not abuse its discretion by denying Mr. Wilkins's motion to withdraw his guilty plea because he did not establish a fair and just reason for withdrawing it. See Fed. R. Crim. P. 11(d)(2)(B); United States v. Austin, 413 F.3d 856, 857 (8th Cir. 2005) (per curiam) (standard of review). After listening to Mr. Wilkins's testimony and the testimony of his former attorney, the district court credited the attorney's version of events. See United States v. Zavala, 427 F.3d 562, 565 (8th Cir. 2005) (district court's determination of witness credibility is virtually unreviewable on appeal).

To the extent that Mr. Wilkins seeks to raise an independent claim of ineffective assistance of counsel, he must do so in a 28 U.S.C. § 2255 motion rather than in this direct appeal. See United States v. Turner, 431 F.3d 332, 336 n.4 (8th Cir. 2005).

Accordingly, we affirm the judgment of the district court.
