

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1211

United States of America,

Appellee,

v.

Archie Bob Jenkins, Jr.,

Appellant.

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

[UNPUBLISHED]

Submitted: April 6, 2007
Filed: April 17, 2007

Before RILEY, HANSEN, and MELLOY, Circuit Judges.

PER CURIAM.

Archie Bob Jenkins (Jenkins) appeals the sentence the district court¹ imposed upon his guilty plea to possessing at least one firearm after having been convicted of multiple felonies, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e)(1). The court sentenced Jenkins to 180 months in prison and 3 years of supervised release. Jenkins's counsel moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967). In his pro se supplemental brief, Jenkins argues enhancing his sentence based on prior convictions results in double punishment. Jenkins contends

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

his “illegal incarceration” gives rise to a private cause of action against his warden, and on that basis he seeks an “equitable remedy” from this court.

We reject Jenkins’s argument, see United States v. Thomas, 930 F.2d 12, 14 (8th Cir. 1991) (use of prior crimes to enhance sentence does not violate Double Jeopardy Clause), and hold his request for an equitable remedy is frivolous. Having reviewed the record independently pursuant to Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Thus, we grant counsel’s motion to withdraw, and we affirm.
