

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2424

United States of America,

Appellee,

v.

Richard Garza,

Appellant.

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

[UNPUBLISHED]

Submitted: July 5, 2007

Filed: July 19, 2007

Before RILEY, MAGILL, and MELLOY, Circuit Judges.

PER CURIAM.

Richard Garza (Garza) appeals the 151-month prison sentence the district court¹ imposed after granting the government's Federal Rule of Criminal Procedure 35(b) motion to reduce Garza's sentence. Garza's counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing Garza is dissatisfied with the extent of his sentence reduction. This argument is unavailing. See United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam) (concluding a challenge to the extent of a sentence reduction upon the government's

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

Rule 35(b) motion was unreviewable because the appeal was not based on any criteria listed in 18 U.S.C. § 3742(a)); United States v. Haskins, 479 F.3d 955, 957 (8th Cir. 2007) (per curiam) (explaining the court lacks jurisdiction to consider the reasonableness of a sentence following a Rule 35(b) reduction; United States v. Booker, 543 U.S. 220 (2005), did not expand § 3742(a) to include appellate review of discretionary sentencing reductions).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. We grant counsel's motion to withdraw, and we affirm Garza's sentence.
