

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-2738

United States of America,

Appellee,

v.

Demond Bernard McDaniels,

Appellant.

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

[UNPUBLISHED]

Submitted: September 28, 2007

Filed: October 4, 2007

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Demond Bernard McDaniels appeals the 120-month prison sentence that the district court¹ imposed after he pleaded guilty to possessing with intent to distribute more than 50 grams of cocaine base, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(iii). On appeal, McDaniels has filed a motion for appointment of counsel; his counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which she seeks leave to withdraw.

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

After reviewing the record independently under Penson v. Ohio, 488 U.S. 75 (1988), and finding no non-frivolous issues, we affirm the judgment of the district court and grant counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari. We also deny McDaniels's motion for appointment of counsel.
