

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3603

United States of America,

Appellee,

v.

Zakee Shareef,

Appellant.

*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: January 2, 2008
Filed: January 10, 2008

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Zakee Shareef pleaded guilty to conspiring to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. § 846, and possessing with intent to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1). The district court¹ sentenced him below the advisory Guidelines range to 165 months in prison and 5 years of supervised release. On appeal, his counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), and has moved to withdraw. For the reasons discussed below, we affirm.

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

Counsel argues that two aspects of the Guidelines violate the Eighth Amendment's protection against cruel and unusual punishment--the sentencing disparity between cocaine base and powder cocaine, and the career offender provision--but we have previously rejected each argument in *United States v. Thompson*, 51 F.3d 122, 127 (8th Cir. 1995), and *United States v. Foote*, 920 F.2d 1395, 1401 (8th Cir. 1990), respectively.

Shareef makes three arguments in his pro se supplemental brief. His challenge to the validity of *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), is foreclosed by our decision in *United States v. Torres-Villalobos*, 487 F.3d 607, 613 (8th Cir. 2007). His two remaining allegations, about a promised lower sentence and judicial bias, are not supported by the record.

Having found no nonfrivolous issues after reviewing the record independently under *Penson v. Ohio*, 488 U.S. 75 (1988), we affirm the judgment of the district court and grant counsel's request to withdraw.