

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1787

United States of America,	*	
	*	
Plaintiff - Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the District
	*	of Nebraska.
Timothy S. Degarmo,	*	
	*	[UNPUBLISHED]
Defendant - Appellant.	*	

Submitted: January 13, 2009
Filed: March 12, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Timothy S. Degarmo was tried and convicted of conspiracy to distribute methamphetamine and sentenced to 300 months imprisonment. His direct appeal was denied in United States v. Degarmo, 450 F.3d 360 (8th Cir. 2006). Thereafter, Degarmo filed a motion under 28 U.S.C. § 2255, seeking to vacate, set aside, or correct his sentence. Among other claims, Degarmo argued he was the victim of a vindictive prosecution and appellate counsel was ineffective for failing to raise the

issue on direct appeal. After reviewing the record and the parties' briefs, we affirm for the reasons stated in the district court's¹ well-reasoned order. See 8th Cir. R. 47B.

¹The Honorable Warren K. Urbom, United States District Judge for the District of Nebraska.