

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

No. 10-2208

United States of America,

Appellee,

v.

Sven Ehand, also known as
Mika Jakonen,

Appellant.

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

[UNPUBLISHED]

Submitted: December 28, 2010
Filed: February 11, 2011

Before WOLLMAN, MELLOY, and GRUENDER, Circuit Judges.

PER CURIAM.

Sven Ehand pled guilty to possessing fifteen or more counterfeit access devices, a violation of 18 U.S.C. §§ 1029(a)(3), 2. The district court¹ imposed a prison sentence of 12 months and 1 day, the lower end of the advisory guidelines range. On

¹ The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

appeal, Ehand's counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), raising an ineffective-assistance claim.²

We decline to consider the ineffective-assistance claim on direct appeal. *See United States v. Cain*, 134 F.3d 1345, 1352 (8th Cir. 1998) (an ineffective-assistance claim should be raised in a 28 U.S.C. § 2255 petition). Furthermore, we conclude that the district court committed no procedural error and imposed a substantively reasonable sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007) (in reviewing a sentence, an appellate court first ensures that the district court committed no significant procedural error and then considers the substantive reasonableness of the sentence under an abuse-of-discretion standard); *United States v. Haack*, 403 F.3d 997, 1004 (8th Cir. 2005) (describing abuse of discretion).

Having reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm.

² After the *Anders* brief was filed, Ehand retained new counsel, who filed an appearance on his behalf on January 3, 2011. Ehand's original appellate counsel filed a motion to withdraw, which was granted on January 4, 2011. Ehand's newly retained counsel has not requested leave to file a supplemental brief.