

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2723

United States of America,

Appellee,

v.

Paul Tracy Allensworth,

Appellant.

*
*
*
* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.
*
* [UNPUBLISHED]
*

Submitted: March 2, 2011

Filed: March 7, 2011

Before WOLLMAN, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Paul Tracy Allensworth appeals the district court's¹ judgment entered upon a jury verdict finding him guilty of possessing cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). The district court sentenced Allensworth to 132 months in prison and 5 years of supervised release. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court abused its discretion in denying Allensworth's motion for a

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

mistrial based on improper questions by the prosecutor during cross examination of Allensworth.

We conclude that the district court did not abuse its discretion in denying the motion for a mistrial. See United States v. Swift, 623 F.3d 618, 623 (8th Cir. 2010); United States v. Weaver, 554 F.3d 718, 723-24 (8th Cir. 2009); United States v. Boesen, 541 F.3d 838, 847 (8th Cir. 2008). Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issue. Accordingly, we grant counsel's motion to withdraw, and we affirm the district court's judgment.
