

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1725WM

United States of America,

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Appellee,

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Appeal from the United States

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District Court for the Western

v.

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District of Missouri.

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Carlus L. Phillips,

*

[UNPUBLISHED]

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Appellant.

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Submitted: March 10, 1998

Filed: March 18, 1998

Before McMILLIAN and FAGG, Circuit Judges, and BENNETT,* District Judge.

PER CURIAM.

Carlus L. Philips pleaded guilty to being a felon in possession of a firearm. On appeal, Phillips contends the district court improperly rejected his request to withdraw his guilty plea. We disagree. Having reviewed the record, we conclude Phillips failed to carry his burden to establish a fair and just reason to withdraw his plea and the district court's ruling was not an abuse of discretion. The court will not consider

*The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa, sitting by designation.

Phillips ineffective assistance of counsel claims on direct appeal. These claims are best presented on motion under 28 U.S.C. § 2255. We thus affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.