

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1487

United States of America,

Appellee,

v.

Damion L. Davis, also known as Boo,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: May 4, 2007
Filed: May 11, 2007

Before RILEY, MAGILL, and MELLOY, Circuit Judges.

PER CURIAM.

Damion L. Davis (Davis) appeals the district court's¹ sentence of 108 months' imprisonment after the court granted the government's Federal Rule of Criminal Procedure 35(b) motion to reduce Davis's sentence for his post-sentencing substantial assistance. Davis's counsel filed a brief under Anders v. California, 386 U.S. 738 (1967), seeking permission to withdraw and arguing Davis's extensive cooperation warranted a greater reduction. Counsel's argument is unavailing. See United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam) (holding a challenge to

¹The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

the extent of a sentence reduction upon the government's Rule 35(b) motion was unreviewable because the appeal was not based on any criteria listed in 18 U.S.C. § 3742(a)); United States v. Haskins, 479 F.3d 955, 957 (8th Cir. 2007) (per curiam) (concluding the court lacks jurisdiction to consider the reasonableness of a sentence following a Rule 35(b) reduction; United States v. Booker, 543 U.S. 220 (2005), did not expand § 3742(a) to include appellate review of discretionary sentencing reductions).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. We affirm, and grant counsel's motion to withdraw.
