

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3179

United States of America,

Appellee,

v.

Jose Cardona-Saldana,

Appellant.

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* Appeal from the United States
* District Court for the
* Western District of Arkansas.
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* [UNPUBLISHED]
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Submitted: June 6, 2007

Filed: June 11, 2007

Before WOLLMAN, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Jose Cardona-Saldana challenges the sentence of 5 years in prison and 4 years of supervised release that the district court¹ imposed after he pleaded guilty to distributing more than 50 grams of methamphetamine mixture, in violation of 21 U.S.C. § 841(a)(1). His counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), and has moved to withdraw, and Cardona-Saldana has filed a pro se supplemental brief. For the reasons discussed below, we affirm.

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

Counsel notes in his Anders brief that his client is dissatisfied with the length of his sentence. The sentence, however, is the statutory minimum for the offense. See 21 U.S.C. § 841(b)(1)(B)(viii); United States v. Davidson, 437 F.3d 737, 741 (8th Cir. 2006) (finding statutory minimum sentence not unreasonable).

Cardona-Saldana seems to argue in his pro se supplemental brief that his trial counsel was ineffective, but such a claim should be raised, if at all, in a 28 U.S.C. § 2255 motion. See United States v. Ramirez-Hernandez, 449 F.3d 824, 827 (8th Cir. 2006).

After reviewing the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we conclude that there are no non-frivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw subject to counsel informing appellant about procedures for seeking rehearing or filing a cert petition.
