

United States Court of Appeals
For the Eighth Circuit

No. 16-1080

United States of America

Plaintiff - Appellee

v.

Delmonte M. Wilson

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: May 31, 2016

Filed: June 9, 2016

[Unpublished]

Before COLLOTON, GRUENDER, and KELLY, Circuit Judges.

PER CURIAM.

Delmonte Wilson directly appeals after he pled guilty to a felon-in-possession offense and the district court¹ imposed a within-Guidelines-range sentence. His

¹The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Wilson received ineffective assistance of counsel, that the district court imposed an unreasonable sentence, that the court erred in its Guidelines calculations, and that the Government engaged in prosecutorial misconduct by failing to offer a favorable plea deal.

To begin, we decline to address the ineffective-assistance claim. *See United States v. Ramirez-Hernandez*, 449 F.3d 824, 826-27 (8th Cir. 2006) (ineffective-assistance claims are usually best litigated in collateral proceedings, where record can be properly developed). We further conclude that counsel presents no meritorious basis for reversing Wilson's sentence, *see United States v. David*, 682 F.3d 1074, 1076-77 (8th Cir. 2012) (discussing appellate review of sentencing decisions), or for finding prosecutorial misconduct, *see Lafler v. Cooper*, 132 S. Ct. 1376, 1387 (2012) (defendants have no right to be offered plea deal).

Having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm.
