

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2665

United States of America,

Appellee,

v.

Charles David Johnson,

Appellant.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

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* [UNPUBLISHED]

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Submitted: February 6, 2004

Filed: February 27, 2004

Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Charles Johnson appeals the sentence the district court¹ imposed after he pleaded guilty to a drug charge. Following our review of counsel's brief filed under Anders v. California, 386 U.S. 738 (1967), as well as Johnson's pro se supplemental brief, we conclude that Johnson cannot challenge an offense-level enhancement for possession of a dangerous weapon after stipulating to such an enhancement in the plea agreement, see United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 1995), and

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas.

that his ineffective-assistance arguments would be more properly raised in a collateral proceeding, see United States v. Cain, 134 F.3d 1345, 1352 (8th Cir. 1998). In addition, we have reviewed the record independently for nonfrivolous issues under Penson v. Ohio, 488 U.S. 75 (1988), and we find none.

Accordingly, we affirm. Counsel's motion to withdraw is granted.
