

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3895

United States of America,

Appellee,

v.

Christopher McFarlane,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: September 13, 2004

Filed: September 20, 2004

Before MORRIS SHEPPARD ARNOLD, BRIGHT, and FAGG, Circuit Judges.

PER CURIAM.

Christopher McFarlane pleaded guilty to conspiracy to possess with intent to distribute more than five hundred grams of cocaine, and possession of firearms during a drug-trafficking offense. The district court* sentenced McFarlane to 110 months in prison. We affirmed McFarlane's sentence. United States v. McFarlane, 309 F.3d 510 (8th Cir. 2002). The Government later filed a motion to reduce McFarlane's sentence under Federal Rule of Criminal Procedure 35(b) based on McFarlane's

*The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

“significant and substantial cooperation” after his sentencing. The district court reduced McFarlane’s sentence to 100 months in prison.

On appeal, McFarlane’s attorney filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting the court should have granted a greater reduction, and moving to withdraw as appointed counsel. We lack jurisdiction to review the extent of the district court’s departure, however. United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1988) (per curiam) (challenge to extent of district court’s departure on Government’s Rule 35(b) motion is unreviewable).

Having reviewed the record, we find no other nonfrivolous issues. See Penson v. Ohio, 488 U.S. 75, 80 (1988). We thus dismiss McFarlane’s appeal for lack of jurisdiction, and grant his attorney’s motion to withdraw.
