

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1519

United States of America,

Appellee,

v.

Ronald C. Vaughn,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

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* [UNPUBLISHED]

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Submitted: March 7, 2006

Filed: March 10, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Ronald Vaughn appeals the sentence the district court¹ imposed after he pleaded guilty to firearm offenses. His counsel has moved to withdraw and filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), suggesting that Vaughn received ineffective assistance of counsel at sentencing. In a pro se supplemental brief, Vaughn argues that an enhancement under U.S.S.G. § 2K2.1(b)(5) violated his Sixth Amendment rights under *Blakely v. Washington*, 542 U.S. 296 (2004).

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

We decline to consider the ineffective-assistance claim in this appeal. *See United States v. Halter*, 411 F.3d 949, 951 (8th Cir. 2005) (per curiam).

Because the district court in sentencing Vaughn did not view the Guidelines as mandatory, there was no error under *Blakely*. *See United States v. Booker*, 543 U.S. 220, 233-37, 245, 258-59 (2005) (Sixth Amendment problem resulting from mandatory nature of Guidelines remedied by making Guidelines advisory). To the extent Vaughn challenges the reasonableness of his sentence, *see id.* at 261 (appellate court reviews sentence for unreasonableness), we reject this challenge. The record does not indicate that the district court failed to consider a relevant sentencing factor, or considered an improper or irrelevant factor, or made a clear error of judgment in weighing the factors listed in 18 U.S.C. § 3553(a). *See United States v. Long Soldier*, 431 F.3d 1120, 1123 (8th Cir. 2005); *United States v. Haack*, 403 F.3d 997, 1002-04 (8th Cir.), *cert. denied*, 126 S. Ct. 276 (2005).

Having reviewed the record independently under *Penon v. Ohio*, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues. Accordingly, we affirm.
