

United States Court of Appeals
For the Eighth Circuit

No. 24-1027

United States of America

Plaintiff - Appellee

v.

Willie Jay Lee

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa

Submitted: July 24, 2024

Filed: August 9, 2024

[Unpublished]

Before KELLY, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

Willie Lee appeals the sentence the district court¹ imposed after he pled guilty to a drug offense. His counsel has moved for leave to withdraw and has filed a brief

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

under *Anders v. California*, 386 U.S. 738 (1967), asserting claims of ineffective assistance of counsel. Lee has also filed a motion for appointment of new counsel on appeal.

We decline to consider Lee’s ineffective-assistance claim in this direct appeal. Ineffective-assistance claims are normally deferred for proceedings under 28 U.S.C. § 2255, barring exceptional circumstances. *See United States v. Looking Cloud*, 419 F.3d 781, 788-89 (8th Cir. 2005). We conclude there are no such circumstances in this case, as the record is not sufficiently developed to decide the merits of Lee’s claim. *See United States v. Ramirez-Hernandez*, 449 F.3d 824, 826-27 (8th Cir. 2006) (stating ineffective-assistance claims are “usually best litigated in collateral proceedings” where a record can be properly developed).

We have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel leave to withdraw, deny Lee’s motion for appointment of new counsel, and affirm.
