

Filed: May 4, 2009

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Defendant-Appellant.

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**ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO**

BEFORE: MERRITT, COOK, and WHITE, Circuit Judges

MERRITT, Circuit Judge. In this direct criminal appeal, the defendant has already served a short sentence for being a felon in possession of a firearm and was actually released from custody on February 14, 2008. He then filed a brief nine months later on November 7, 2008, and requested oral argument on a claim that the District Court erred in failing to allow him to withdraw his guilty plea; and finally, without notice to the court, his counsel failed to appear at his requested oral argument on the appointed oral argument date of April 28, 2009. The defendant's claim is both frivolous and incoherent. He does not actually claim he is not guilty. But he seeks to set aside his guilty plea which would result in a trial in this criminal case in which he has already served his sentence of confinement.

No. 07-4420
United States v. Campbell

Accordingly, upon an independent review of the case and finding no error in the proceeding or rulings in the District Court, and concluding that no substantial issue is presented on appeal, we affirm the judgment of the District Court.