

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted November 13, 2008*

Decided November 14, 2008

Before

FRANK H. EASTERBROOK, *Chief Judge*

WILLIAM J. BAUER, *Circuit Judge*

JOEL M. FLAUM, *Circuit Judge*

No. 08-1674

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JERRY MCCOY,
Defendant-Appellant.

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

No. 3:04-cr-00181-bbc-1
Barbara B. Crabb,
Chief Judge.

Order

The *Anders* brief filed by appellant's counsel concludes that the district court's decision--an order reducing appellant's sentence under Fed. R. Crim. P. 35(b), though not by as much as appellant wanted--is not subject to appellate review. See *United States v. McGee*, 508 F.3d 442 (7th Cir. 2007). Given an opportunity to respond, appellant has not done so. We agree with counsel that pursuing this appeal would be frivolous. Counsel's motion to withdraw is granted, and the appeal is dismissed.

* This successive appeal has been submitted to the original panel under Operating Procedure 6(b). After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f).