

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-4031

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United States of America,

Appellee,

v.

Alberto Torres,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* District of Nebraska.  
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\* [UNPUBLISHED]  
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Submitted: January 5, 2006  
Filed: January 20, 2006

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Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

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PER CURIAM.

Alberto Torres pleaded guilty to conspiring to distribute and possess with intent to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. § 846. The district court<sup>1</sup> sentenced him to 210 months' imprisonment and 5 years' supervised release. Torres did not appeal. The government later filed a motion pursuant to Federal Rule of Criminal Procedure 35(b) to reduce the sentence. The district court granted the motion and reduced Torres's sentence to 120 months' imprisonment and 5 years' supervised release.

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<sup>1</sup>The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

On appeal, counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967). In pro se submissions, Torres claims ineffective assistance of counsel, but any such claim should be raised in a motion pursuant to 28 U.S.C. § 2255. See United States v. Lee, 374 F.3d 637, 654 (8th Cir. 2004), cert. denied, 125 S. Ct. 2962 (2005). Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm the judgment, grant counsel’s motion to withdraw, and deny Torres’s request for new appellate counsel.

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