

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2505

United States of America,

Appellee,

v.

Shawn M. Ross,

Appellant.

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

[UNPUBLISHED]

Submitted: October 24, 2007

Filed: October 29, 2007

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Shawn M. Ross appeals the 70-month prison sentence the district court¹ imposed after he pleaded guilty to attempting to manufacture at least 35 grams but less than 50 grams of actual methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846. On appeal, Ross's counsel has moved to withdraw and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that Ross was denied effective assistance of counsel.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

We adhere to the general rule that Ross must raise his claims of ineffective assistance of counsel in a 28 U.S.C. § 2255 proceeding, where the record can be properly developed. See United States v. Hughes, 330 F.3d 1068, 1069 (8th Cir. 2003). After reviewing the record independently under Penson v. Ohio, 488 U.S. 75 (1988), and finding no non-frivolous issues, we affirm the judgment of the district court and grant counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari.
