

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3457

United States of America,

Appellee,

v.

Keith Curtis Black,

Appellant.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.
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* [UNPUBLISHED]
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Submitted: September 4, 2007
Filed: September 11, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

After Keith Curtis Black pleaded guilty to conspiring to manufacture and distribute 50 grams or more of crack cocaine and to distribute powder cocaine, in violation of 21 U.S.C. §§ 841 and 846, the district court¹ sentenced him to 240 months in prison and 10 years of supervised release. On appeal, he challenges the district court's denial of his motion to withdraw his guilty plea.

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

We conclude that the district court did not abuse its discretion by denying Black’s motion to withdraw his guilty plea. In his written motion to withdraw, Black did not offer a fair and just reason for withdrawing this plea, see Fed. R. Crim. P. 11(d)(2)(B); United States v. Wicker, 80 F.3d 263, 266 (8th Cir. 1996) (standard of review); United States v. Ramirez-Hernandez, 449 F.3d 824, 826 (8th Cir. 2006) (when court sees no fair and just reason to permit withdrawal, it need not address concerns of length of time between plea and motion to withdraw or prejudice to government); and Black’s assertions of innocence during allocution at sentencing were also unavailing, see United States v. Morrison, 967 F.2d 264, 268 (8th Cir. 1992) (“An assertion of innocence—even a ‘swift change of heart after the plea’—does not constitute a ‘fair and just reason’ to grant withdrawal.”) (internal citation omitted).

Accordingly, we affirm the judgment of the district court, and we grant counsel’s motion to withdraw.
