

United States Court of Appeals
For the Eighth Circuit

No. 13-1829

United States of America

Plaintiff - Appellee

v.

Selvin Garcia-Garcia, also known as Jose Villarreal

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: November 13, 2013

Filed: November 18, 2013

[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Selvin Garcia-Garcia pleaded guilty to charges of conspiracy to possess with intent to distribute more than 500 grams of a methamphetamine mixture and possession with intent to distribute more than 50 grams of actual methamphetamine

on premises where a child was present or resided. The District Court¹ imposed a sentence of 135 months in prison and 5 years of supervised release. On appeal, Garcia-Garcia's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Garcia-Garcia's guilty plea was involuntary because Garcia-Garcia mistakenly believed that he was eligible for safety-valve relief. Counsel suggests that the interpreter who helped counsel and Garcia-Garcia discuss the plea agreement may not have properly communicated its contents to Garcia-Garcia, who speaks only Spanish. Garcia-Garcia has not filed a pro se supplemental brief.

Garcia-Garcia did not challenge the voluntariness of his plea in the District Court. His claim is therefore not cognizable in this direct appeal. See United States v. Murphy, 899 F.2d 714, 716 (8th Cir. 1990) (noting that a claim that defendant's guilty plea was involuntary is not cognizable on direct appeal unless first presented to the district court).

We have reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), and we have found no nonfrivolous issues. Accordingly, we affirm.

¹The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas.