

United States Court of Appeals
For the Eighth Circuit

No. 14-1726

United States of America

Plaintiff - Appellee

v.

Danny Louie, also known as Danny M. Louie, also known as Danny Louis, also
known as Dan Louie

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: September 3, 2014

Filed: September 26, 2014

[Unpublished]

Before MURPHY, BOWMAN and BENTON, Circuit Judges.

PER CURIAM.

Danny Louie directly appeals the sentence the district court¹ imposed after he
pled guilty to a drug charge. His counsel moved to withdraw, and filed a brief under

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

Anders v. California, 386 U.S. 738 (1967), arguing that Louie received ineffective assistance of counsel and the government engaged in prosecutorial misconduct.

This court declines to consider Louie's ineffective assistance claims on direct appeal. *See United States v. McAdory*, 501 F.3d 868, 872-73 (8th Cir. 2007) (ineffective-assistance claims are ordinarily deferred to 28 U.S.C. § 2255 proceedings). There is no merit to Louie's prosecutorial misconduct claims. *See United States v. New*, 491 F.3d 369, 377 (8th Cir. 2007) (to obtain reversal based on prosecutorial misconduct, defendant must show prosecutor's remarks or conduct were improper). An independent review of the record under *Penon v. Ohio*, 488 U.S. 75 (1988), reveals no non-frivolous issues.

The judgment of the district court is affirmed, and counsel's motion to withdraw is granted, subject to counsel informing Louie about procedures for seeking rehearing or filing a petition for certiorari.
