

United States Court of Appeals
For the Eighth Circuit

No. 15-1010

United States of America

Plaintiff - Appellee

v.

Benjamin J. Henderson

Defendant - Appellant

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

Submitted: November 17, 2015

Filed: November 20, 2015

[Unpublished]

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Benjamin Henderson directly appeals after he pled guilty to being a felon in possession of a firearm and the district court¹ sentenced him to 30 months in prison.

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.

His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court erred by applying a sentencing enhancement under U.S.S.G. § 3A1.2(c)(1). Henderson has filed a motion in which he seeks dismissal of this criminal case based upon a variety of legal theories and claims, including ineffective assistance of counsel.

Upon careful review, we conclude that counsel's argument lacks merit. *See United States v. Olson*, 646 F.3d 569, 572-74 & n.3 (8th Cir. 2011) (setting forth standards of review and discussing applicability of § 3A1.2(c)(1) enhancement). Furthermore, having independently reviewed the record pursuant to *Penon v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm. We also deny Henderson's motion.²

²We note that Henderson may pursue his ineffective-assistance claim in collateral proceedings. *See United States v. Ramirez-Hernandez*, 449 F.3d 824, 826-27 (8th Cir. 2006).