

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30492
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

REGINALD WHITE,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
(94-CR-30-C)

(March 16, 1995)

Before JONES, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Reginald White was convicted by a jury of possession of a firearm by a convicted felon. After preparation of the Presentence Investigation Report, White made several objections for factual corrections, in addition to making the following objections to the sentencing recommendation: (1) he should be awarded a two-level reduction for acceptance of responsibility; (2) his criminal-history category overrepresented the seriousness of his criminal

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

history and warranted a one-category departure; and, (3) he should be awarded a downward departure from the applicable guideline range because the facts of his case fell outside the core concern of the prohibition against possession of a firearm by a felon. The district court overruled White's first and third objections, but granted a one-category departure under his second. It sentenced him, *inter alia*, to 77 months' imprisonment.

White's court-appointed counsel seeks to be permitted to withdraw, and has filed a brief as required by ***Anders v. California***, 386 U.S. 738 (1967). We have independently reviewed counsel's brief, the points raised by White in response to that brief, and the record, and have found no non-frivolous issue.

White responds, that he wants to pursue an appeal; but, the only issue that he identifies is an ineffective assistance of counsel claim (concerning trial counsel). His desire to raise this issue on direct appeal is not well-taken. Not having raised the issue at trial, this claim should be raised pursuant to 28 U.S.C. § 2255. *E.g.*, ***United States v. Higdon***, 832 F.2d 312, 314 (5th Cir. 1987), *cert. denied*, 484 U.S. 1075 (1988).

Accordingly, counsel's motion to withdraw is **GRANTED**; White's motions for appointment of new counsel and a 60-day extension are **DENIED**; and the appeal is **DISMISSED**.