

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4939

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID LEE THOMAS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:07-cr-00419-JAB-1)

Submitted: August 20, 2009

Decided: August 24, 2009

Before WILKINSON and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Graham Tod Green, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Lee Thomas, Jr., appeals his conviction after pleading guilty to possession of a firearm by a convicted felon. Thomas received the statutory minimum sentence of 180 months. Thomas's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Counsel raised the issue of whether the district court erred in denying Thomas's motion to suppress evidence of the firearm found during the consensual search of an apartment leased to a third-party.* Thomas filed a pro se supplemental brief arguing that police officers had no probable cause to detain him because he could not have been the suspect they were originally pursuing. The Government declined to file a brief. Finding no error, we affirm for the reasons stated by the district court. See Mar. 4, 2008 Suppression Hearing Transcript 65-69, E.R. 132-36.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Thomas's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be

* Thomas reserved the right to challenge the motion to suppress ruling when he pleaded guilty.

filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED