

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4460

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALEJANDRO HERNANDEZ-SALAS, a/k/a Adolfo Perez,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Bryson City. Lacy H. Thornburg, District Judge. (CR-03-101)

Submitted: February 28, 2007

Decided: March 15, 2007

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

William L. Davis, III, Lumberton, North Carolina, for Appellant. Thomas Richard Ascik, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alejandro Hernandez-Salas entered a guilty plea, pursuant to a plea agreement, to conspiracy to possess with intent to distribute methamphetamine and cocaine base, 21 U.S.C. §§ 841(a)(1), 846 (2000). He received a sentence of thirty-seven months' imprisonment.

Hernandez-Salas' counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that he has concluded there are no meritorious issues for appeal, but addressing the voluntariness of Hernandez-Salas' guilty plea and propriety of his sentence. Hernandez-Salas was notified of his right to file a pro se informal brief; however, he did not file such a brief. In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal.

Therefore, we affirm Hernandez-Salas' conviction and sentence. This court requires that counsel inform Hernandez-Salas, in writing, of the right to petition the Supreme Court of the United States for further review. If Hernandez-Salas requests that a petition be 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 Hernandez-Salas. 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