

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5218

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WANDA LYNNE GROVES,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Terrence W. Boyle, District Judge. (CR-05-6)

Submitted: June 28, 2006

Decided: August 2, 2006

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

James R. Saunders, HARRINGTON, SAUNDERS & JONES, P.A., Greenville, North Carolina, for Appellant. Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Wanda Lynne Groves appeals her conviction and sentence of 200 months of imprisonment imposed after she pled guilty, pursuant to a plea agreement, to one count of conspiracy to distribute and possess with intent to distribute more than fifty grams of crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1), 846 (2000). On appeal, counsel filed an Anders* brief, in which he states there are no meritorious issues for appeal, but suggests that Groves's sentence is unreasonable. The Government has moved to dismiss Groves's appeal based upon a waiver of appellate rights in her plea agreement.

We deny the Government's motion to dismiss because the waiver does not preclude our review of any errors in Groves's conviction that may be revealed by our review pursuant to Anders. We conclude, however, that Groves waived the right to proceed with the claim asserted in the Anders brief, and accordingly dismiss that portion of her appeal.

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

*Anders v. California, 386 U.S. 738 (1967).

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 Groves. 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.

DISMISSED IN PART
AND AFFIRMED IN PART