

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4143

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN ZIEGLER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. G. Ross Anderson, Jr., District Judge. (7:05-cr-0084-gra)

Submitted: July 20, 2006

Decided: July 24, 2006

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

Affirmed by unpublished per curiam opinion.

James Barlow Loggins, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Maxwell Barnes Cauthen, III, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John Ziegler pled guilty to one count of possession of child pornography, in violation of 18 U.S.C.A. § 2252A(a)(5)(B) (West 2000 & Supp. 2006). The district court sentenced Ziegler to forty-six months of imprisonment, the bottom of the applicable advisory Guideline range. On appeal, counsel filed an Anders* brief, in which he states there are no meritorious issues for appeal, but suggests that the district court failed to comply with the requirements of Fed. R. Crim. P. 11 in the guilty plea hearing. Ziegler was advised of his right to file a pro se supplemental brief, but has not filed a brief. We affirm.

Because Ziegler did not move in the district court to withdraw his guilty plea, his challenge to the adequacy of the Rule 11 hearing is reviewed for plain error. See United States v. Martinez, 277 F.3d 517, 525 (4th Cir. 2002). Our review of the plea hearing transcript reveals that the district court conducted a thorough Rule 11 colloquy that assured Ziegler's plea was made both knowingly and voluntarily. See United States v. DeFusco, 949 F.2d 114, 117, 120 (4th Cir. 1991). Accordingly, we find Ziegler's guilty plea was knowing and voluntary and properly accepted by the district court.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for

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

appeal. We therefore affirm Ziegler's conviction and sentence. This court requires that counsel inform Ziegler, in writing, of the right to petition the Supreme Court of the United States for further review. If Ziegler 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 Ziegler.

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