

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4302

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIAM A. MUWWAKKIL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:05-cr-00004-F)

Submitted: April 30, 2007

Decided: June 1, 2007

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

William Woodward Webb, THE EDMISTEN & WEBB LAW FIRM, Raleigh, North Carolina, for Appellant. Anne Margaret Hayes, Banumathi Rangarajan, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William A. Muwwakkil pled guilty to conspiracy to commit wire fraud and bank fraud, as well as to make material false statements, against the United States, in violation of 18 U.S.C. § 371 (2000). The Government has moved to dismiss Muwwakkil's appeal based upon the waiver of appellate rights in his plea agreement.

We conclude that Muwwakkil's waiver encompasses all issues raised on appeal except his claim of ineffective assistance of counsel. We have reviewed that claim and determine that it does not "conclusively appear[]" on the record that counsel was ineffective. United States v. Richardson, 195 F.3d 192, 198 (4th Cir. 1999) (internal quotation marks omitted). Muwwakkil may raise his ineffective assistance claim in proceedings under 28 U.S.C. § 2255 (2000). Accordingly, we grant the Government's motion to dismiss with respect to issues covered by the waiver, but affirm the district court's judgment in rejecting the ineffective assistance of counsel claim.

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 filed, but counsel believes that such a petition would be frivolous, then counsel may move 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.

DISMISSED IN PART AND
AFFIRMED IN PART