

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4378

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMIE GIST,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (7:04-cr-00840-HMH)

Submitted: August 31, 2006

Decided: September 5, 2006

Before MICHAEL, MOTZ, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

C. Carlyle Steele, Greenville, South Carolina, for Appellant.
Regan Alexandra Pendleton, Assistant United States Attorney,
Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jamie Gist pled guilty to conspiracy to possess with intent to distribute and to distribute more than fifty grams of crack cocaine and more than five kilograms of cocaine, in violation of 21 U.S.C. § 846 (2000); operating a stash house, in violation of 21 U.S.C. § 856(a)(1), (a)(2) (West Supp. 2006); and possession with intent to distribute more than fifty grams of crack cocaine, in violation of 21 U.S.C. § 841(a)(1) (2000). The district court sentenced Gist to 151 months of imprisonment, the bottom of the properly calculated advisory sentencing guidelines range. Gist's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious issues for appeal but challenging the adequacy of the plea colloquy. Gist was informed of his right to file a pro se supplemental brief but has not done so. We affirm.

Counsel questions whether the district court complied with Fed. R. Crim. P. 11, in accepting Gist's guilty plea. Because Gist did not move to withdraw his guilty plea, we review his challenge to the adequacy of the Rule 11 hearing for plain error. United States v. Martinez, 277 F.3d 517, 525 (4th Cir. 2002). We have carefully reviewed the transcript of the Rule 11 hearing and find no error in the district court's acceptance of Gist's guilty plea.

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. Accordingly, we affirm Gist's convictions 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 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