

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4498

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CARLOS JOSE JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (1:05-cr-00031-3)

Submitted: May 10, 2007

Decided: May 14, 2007

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian Oglesby, Ellenboro, North Carolina, for Appellant. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlos Jose Jones pled guilty pursuant to a plea agreement to one count of conspiracy to possess with intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1); 846 (2000). Jones was sentenced by the district court to 151 months' imprisonment. Finding no error, we affirm.

On appeal, counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there were no meritorious grounds for appeal, but arguing that the district court committed reversible error by sentencing Jones to 151 months' imprisonment rather than 130 months' imprisonment. Jones was informed of his right to file a pro se supplemental brief, but did not do so, and the Government elected not to file a responsive brief.

Jones was assigned an offense level of twenty-eight, and placed in criminal history category V. His resulting advisory guideline range was 130 to 162 months. See U.S. Sentencing Guidelines Manual Ch. 5, Pt. A (2005) (sentencing table). The district court properly calculated and considered the advisory guideline range and weighed the relevant 18 U.S.C. § 3553(a) (2000) factors. Jones's 151-month sentence was both below the statutory maximum and within the advisory guideline range. Thus, we conclude the district court did not err in imposing its sentence. See United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. Accordingly, we affirm the judgment of the district court. 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 in the decisional process.

AFFIRMED