

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4577

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AUBREY T. MOORE, III,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, Chief District Judge. (1:01-cr-00007-IMK)

Submitted: November 15, 2006

Decided: November 20, 2006

Before WIDENER, WILKINSON, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

L. Richard Walker, Assistant Federal Public Defender, Clarksburg, West Virginia, for Appellant. Thomas Edward Johnston, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West Virginia; Zelda Elizabeth Wesley, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia; Paul Thomas Camilletti, OFFICE OF THE UNITED STATES ATTORNEY, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Aubrey T. Moore, III, appeals from the district court's order revoking his supervised release and sentencing him to eleven months imprisonment after he admitted to violations of his supervised release. Moore's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), representing that, in his view, there are no meritorious issues for appeal, but challenging the length of Moore's sentence. Moore has filed a pro se supplemental brief, asserting that his sentence was based on hearsay. Finding no meritorious issues and no error by the district court, we affirm the revocation order and the sentence imposed.

In light of Moore's admission that he violated the terms of his supervision, we find no error by the district court in revoking his supervised release. See 18 U.S.C.A. § 3583(e)(3) (West Supp. 2006); United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). Moore challenges the length of the sentence imposed. Before imposing sentence, the court considered the relevant factors and noted that Moore's non-compliance with his supervised release terms and his numerous violations justified a sentence of eleven months. The eleven-month term of incarceration imposed by the district court was within the five-to-eleven-month advisory guideline range and was not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 439-40 (4th Cir. 2006); United

States v. Green, 436 F.3d 449, 455-56 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006); 18 U.S.C.A. § 3583(e)(3); U.S. Sentencing Guidelines Manual § 7B1.4(a). Although Moore contends that his sentence was enhanced based on hearsay statements that he was a drug dealer, Moore corrected the court's misstatement, and, in light of the court's explanation of its reasons for the sentence, Moore's speculation is insufficient to show that the sentence was unreasonable.

In accordance with Anders, we have independently reviewed the entire record and find no meritorious issues for appeal. Accordingly, we affirm the district court's order revoking Moore's supervised release and imposing an eleven-month sentence and a twenty-five-month supervised release term. 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