

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4837

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FREDERICK CARR,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (6:05-CR-01163-HMH)

Submitted: December 21, 2006

Decided: December 29, 2006

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William H. Ehliess, II, Greenville, South Carolina, for Appellant. Reginald I. Lloyd, United States Attorney, Columbia, South Carolina, Isaac Louis Johnson, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frederick Carr appeals his 72-month sentence after pleading guilty to one count of conspiracy to possess with intent to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 841 and 846 (2000), and two counts of distribution of cocaine base, in violation of 21 U.S.C. § 841 (2000). Carr's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), acknowledging there are no meritorious issues on appeal but noting that Carr challenges the validity of his plea and sentence. Although informed of his right to file a supplemental pro se brief, Carr has not done so. Finding no reversible error, we affirm.

Because Carr did not move in the district court to withdraw his guilty plea, any error in the Fed. R. Crim. P. 11 hearing is reviewed 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 conclude that the district court did not err in accepting Carr's guilty plea.

At sentencing, the district court considered the properly calculated advisory sentencing guideline range and the factors set forth in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006). The sentence imposed is within the guideline range and well below the statutory maximum set forth in § 841. We find that there was no error by the district court at the sentencing hearing and that

Carr's sentence is reasonable. See United States v. Green, 436 F.3d 449, 457 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006).

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Carr's conviction and sentence. This court requires 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