

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4838

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAWN DEMPSY SUTTON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., District Judge. (2:90-cr-00218-NCT)

Submitted: February 15, 2007

Decided: February 20, 2007

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael W. Patrick, Chapel Hill, North Carolina, for Appellant.
Angela Hewlett Miller, OFFICE OF THE UNITED STATES ATTORNEY,
Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dawn D. Sutton appeals from the district court's order revoking his supervised release and sentencing him to twelve months imprisonment after he admitted to violations of his supervised release terms. Sutton'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 questioning whether the supervised release term in Sutton's original sentence was erroneous. Sutton was informed of his right to file a pro se supplemental brief, but he has not done so. Finding no meritorious issues and no error by the district court, we affirm the revocation order and the sentence imposed.

In light of Sutton'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). Sutton was sentenced to the statutory maximum, which also correlated to the sentence suggested by the sentencing guidelines. Before imposing sentence, the court noted Sutton's continued non-compliance with his supervised release terms and the fact that his supervised release had already been revoked twice before. We conclude that Sutton's twelve-month sentence was not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 439-40 (4th Cir. 2006), petition for cert. filed (Nov. 3, 2006) (No. 06-7631). Finally, we lack jurisdiction to examine Sutton's

original sentence. See United States v. Johnson, 138 F.3d 115, 117-18 (4th Cir. 1998).

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 Sutton's supervised release and imposing a twelve-month 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