

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4861

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES LOUIS ROBERTS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:05-cr-00275)

Submitted: March 21, 2007

Decided: April 17, 2007

Before MICHAEL, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Scott Gsell, LAW OFFICE OF SCOTT GSELL, Charlotte, North Carolina, for Appellant. David Alan Brown, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Louis Roberts pled guilty to one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1), and one count of possession of a stolen vehicle, in violation of 18 U.S.C. § 3231, and the district court sentenced him to forty-one months in prison. Roberts's counsel has filed in this court a brief in accordance with Anders v. California, 386 U.S. 738 (1967), in which he raises one issue at Roberts's request, but states that, in his view, there are no meritorious issues for appeal. Specifically, Roberts's counsel argues that Roberts's two convictions constituted one course of conduct pursuant to USSG § 3D1.2(d) and therefore the district court should have considered them as one group when sentencing him rather than enhancing his sentence with a multiple count adjustment pursuant to USSG § 3D1.4. Roberts was informed of his right to file a pro se supplemental brief, but he declined to do so.

We conclude that the district court properly denied Roberts's request to group his offenses for sentencing under USSG § 3D1.2(d) because very few of the firearms were stolen and none of the firearms were found in the stolen vehicle. Moreover, the offenses had different victims and the offenses were not otherwise related.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We

therefore affirm Roberts's convictions and sentence. This court requires that counsel inform Roberts, in writing, of the right to petition the Supreme Court of the United States for further review. If Roberts 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 Roberts.

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