

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-5053

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GABRIEL ADEKUNLE AGEH,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:05-cr-00217-AW)

Submitted: June 30, 2008

Decided: August 25, 2008

Before MOTZ and KING, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Sapna Mirchandani, Staff Attorney, Greenbelt, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Gina L. Simms, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gabriel Adekunle Ageh was convicted by a jury of eight counts: forgery, 18 U.S.C.A. § 1546(a) (West Supp. 2008) (Counts 1 and 3); fraud in connection with identification documents, 18 U.S.C.A. § 1028(a)(1), (c)(1) (West Supp. 2008) (Count 2); possession of a false document-making implement, 18 U.S.C.A. § 1028(a)(5) (West Supp. 2008) (Count 4); possession of false identification documents, 18 U.S.C.A. §§ 1028(a)(3), (c)(1), (c)(3) (West Supp. 2008) (Count 5); Social Security fraud, 42 U.S.C. § 408(a)(7)(c) (West Supp. 2008) (Counts 6 and 7); and aggravated identity theft, 18 U.S.C.A. §§ 1028A(a), (c)(11) (West Supp. 2008) (Count 8). On appeal, counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), alleging that there are no meritorious claims on appeal but raising the following issues: (1) whether Ageh's convictions are supported by sufficient evidence, and (2) whether the district court committed reversible error by denying Ageh's request for an alternative jury instruction. Ageh was notified of his right to file a pro se supplemental brief, but has failed to do so. For the reasons that follow, we affirm.

First, viewing the evidence as required, we find that any rational trier of fact could have found the essential elements of the crimes beyond a reasonable doubt. Glasser v. United States, 315 U.S. 60, 80 (1942); United States v. Burgos, 94 F.3d 849,

862-63 (4th Cir. 1996). Second, we find no abuse of discretion in the district court's refusal to give Ageh's proffered jury instruction. United States v. Abbas, 74 F.3d 506, 513 (4th Cir. 1996).

We have examined the entire record in this case in accordance with the requirements of Anders, and find no meritorious issues for appeal. Accordingly, we affirm. 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