

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4184

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYRON JEROME HUNTER, a/k/a Tyrone Jerome Hunter,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (1:06-cr-00251-LHT-1)

Submitted: December 11, 2008

Decided: December 15, 2008

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Claire J. Rauscher, Executive Director, FEDERAL DEFENDERS OF WESTERN NORTH CAROLINA, INC., Ann L. Hester, Emily Marroquin, Charlotte, North Carolina, Fredilyn Sison, Asheville, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyron Jerome Hunter pled guilty pursuant to a plea agreement to conspiracy to possess with intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841, 846 (2006), and was sentenced to 240 months in prison. Counsel for Hunter has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), alleging that she has found no meritorious issues for appeal but asserting that the district court may have improperly calculated Hunter's Guidelines range. Hunter was notified of his right to file a pro se supplemental brief but has not done so. The Government has declined to file a responding brief. Finding no error, we affirm the district court's judgment.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for review. After a thorough Fed. R. Crim. P. 11 hearing at which Hunter admitted his guilt, the district court sustained one of Hunter's objections to his presentence investigation report and adopted the remaining findings contained therein, considered the 18 U.S.C. § 3553(a) (2006) factors, and sentenced Hunter to the statutory mandatory minimum sentence. See United States v. Farrior, 535 F.3d 210, 224 (4th Cir. 2008) ("A statutorily required sentence . . . is per se reasonable.").

Accordingly, we affirm the judgment of the district court. This court requires that counsel inform Hunter in

writing of his right to petition the Supreme Court of the United States for further review. If Hunter requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may motion this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Hunter. 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