

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-4240**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLIFTON EARL WAGNER SMITH,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Lacy H. Thornburg,  
District Judge. (1:07-cr-00032-LHT-5)

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Submitted: March 23, 2009

Decided: April 2, 2009

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Before WILKINSON, TRAXLER, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Deborrah L. Newton, NEWTON LAW, Raleigh, North Carolina, for  
Appellant. Amy Elizabeth Ray, Assistant United States Attorney,  
Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pursuant to a plea agreement, Clifton Earl Wagner Smith pled guilty to conspiracy to possess with intent to distribute fifty grams or more of cocaine base ("crack"), in violation of 21 U.S.C. §§ 841(a)(1), 846 (2006). The district court sentenced Smith to 210 months in prison. Smith timely appealed.

Smith's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in her view, there are no meritorious grounds for appeal. Counsel questions whether the sentence imposed was inconsistent with the plea agreement and whether the plea agreement was improperly one-sided in favor of the Government. Smith was advised of his right to file a pro se supplemental brief but he did not file one.

Our thorough review of the record, including the plea agreement and the sentence hearing transcript, convinces us that Smith's claims are meritless. In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. Accordingly, we affirm the district court's judgment.

This court requires that counsel inform her 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