

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7214

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRY LEE GRIFFITH,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (5:04-cr-00347-F-2)

Submitted: November 17, 2009

Decided: November 19, 2009

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Walter H. Paramore, III, WALTER H. PARAMORE, III, P.C., Jacksonville, North Carolina, for Appellant. Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Lee Griffith has filed an Anders* appeal of the district court's order granting the Government's motion pursuant to Fed. R. Crim. P. 35(b) and reducing his sentence. Griffith challenges the extent of the reduction and seeks review of sentencing issues that are not the subject of the Rule 35 motion. We conclude that the extent of the district court's reduction is unreviewable on appeal. See 18 U.S.C. § 3742(a) (2006); United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007); United States v. Pridgen, 64 F.3d 147, 149 (4th Cir. 1995); United States v. Hill, 70 F.3d 321, 325 (4th Cir. 1995).

Because Griffith asserts no ground upon which this court may review the district court's Rule 35 determination, nor has our independent review of the record, in accordance with Anders, revealed any such ground, we dismiss Griffith's appeal. This court requires that counsel inform Griffith, in writing, of the right to petition the Supreme Court of the United States for further review. If Griffith 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 Griffith. We dispense with oral argument because

* California v. Anders, 386 U.S. 738 (1967).

the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED