

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4053

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALONZO LEE JOHNSON, a/k/a Lil Zo,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:07-cr-00061-FDW-6)

Submitted: August 30, 2010

Decided: September 10, 2010

Before NIEMEYER, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eric A. Bach, Charlotte, 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Unpublished opinions are not binding precedent in this circuit.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:

Alonzo Lee Johnson pled guilty to conspiracy to possess with intent to distribute fifty grams or more of cocaine base in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2006). The district court sentenced Johnson within the advisory Guidelines range to 160 months' imprisonment.

On appeal, counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), noting no meritorious issues for appeal, but questioning the voluntariness of Johnson's plea and whether the sentence imposed was reasonable. Johnson filed a pro se supplemental brief raising the same issues and arguing that he is entitled to a sentence reduction based on the sentencing disparities involving cocaine powder and cocaine base. Finding no error, we affirm.

We have reviewed the record and conclude that the district court substantially complied with the requirements of Fed. R. Crim. P. 11 and ensured that Johnson's plea was knowing and voluntary. We also conclude that the district court imposed a sentence that is procedurally and substantively reasonable. See Gall v. United States, 552 U.S. 38, 51 (2007) (review of sentence is for abuse of discretion).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We have considered the claims asserted in Johnson's pro

se supplemental brief and conclude they are without merit. We therefore affirm the district court's judgment. We also deny Johnson's motion for substitution of counsel and to place this appeal in abeyance.

This court requires that counsel inform Johnson, in writing, of his right to petition the Supreme Court of the United States for further review. If Johnson requests that a petition be filed, but counsel believes that such filing 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 Johnson.

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