

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4761

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY JAMES WEBSTER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cr-00048-NCT-1)

Submitted: March 5, 2010

Decided: March 23, 2010

Before KING, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Lisa Blue Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy Webster pleaded guilty to possession of a firearm after having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, in violation of 18 U.S.C. §§ 922(g)(1), 924(e) (2006). The district court sentenced Webster to 200 months of imprisonment and Webster now appeals. His attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that there are no meritorious issues for appeal. Webster filed a pro se supplemental brief raising additional issues.* We affirm.

In the Anders brief, counsel questions whether the district court erred in finding that Webster was an armed career criminal under the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e). In an appeal premised upon indistinguishable facts, this court has previously rejected a similar challenge, United States v. Clark, 993 F.2d 402 (4th Cir. 1993), thus establishing circuit authority binding on subsequent panels. United States v. Collins, 415 F.3d 304, 311 (4th Cir. 2005) ("A decision of a panel of this court becomes the law of the circuit and is binding on other panels unless it is overruled by a

* We have considered the claims raised in Webster's pro se brief and conclude the claims lack merit.

subsequent en banc opinion of this court or a superseding contrary decision of the Supreme Court.”) (internal quotation marks and citation omitted). Therefore, this claim fails.

We have examined the entire record in accordance with the requirements of Anders and have found no meritorious issues for appeal. We therefore affirm the judgment of the district court. This court requires that counsel inform Webster, in writing, of the right to petition the Supreme Court of the United States for further review. If Webster 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 Webster. 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