

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-4807**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVINDA TONNELLIS BARBER, a/k/a T Barber,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Cameron McGowan Currie, District Judge. (0:09-cr-00207-CMC-4)

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Submitted: September 2, 2010

Decided: September 21, 2010

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Before NIEMEYER, DUNCAN, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Scarlet B. Moore, Greenville, South Carolina, for Appellant.  
James Chris Leventis, Jr., OFFICE OF THE UNITED STATES ATTORNEY,  
Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Davinda Tonnellis Barber appeals his conviction and 262 month sentence for one count of conspiracy to possess with intent to distribute and distribute more than five kilograms of cocaine and more than 50 grams of cocaine base in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A); 846 (2006). Counsel has filed a brief in this court in accordance with Anders v. California, 386 U.S. 738 (1967), certifying that there are no meritorious issues for appeal but questioning whether the district court properly accepted Barber's guilty plea and imposed a reasonable sentence. Barber was advised of his right to file a pro se supplemental brief, but has not done so.

Upon review of the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that the district court complied with the requirements of Rule 11. Further, the district court properly calculated the advisory Guidelines range and imposed a sentence at the bottom of the applicable Guidelines range. The record establishes that Barber's sentence is procedurally and substantively reasonable. See Gall v. United States, 552 U.S. 38, 128 S. Ct. 586, 597 (2007) (providing that 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 therefore deny Barber's motion to extend the time to

file his pro se supplemental brief and 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 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 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