

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7008

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MALIK ABDHUL NELSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge.
(4:04-cr-00811-TLW-2)

Submitted: January 18, 2011

Decided: January 26, 2011

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ray Coit Yarborough, Jr., LAW OFFICE OF RAY COIT YARBOROUGH, JR., Florence, South Carolina, for Appellant. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Malik Abdhul Nelson seeks to appeal the district court's order granting the government's Fed. R. Crim. P. 35(b) motion and reducing his sentence from sixty-four to fifty months' imprisonment. Nelson's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), questioning whether we can review a district court's order granting a Fed. R. Crim. P. 35(b) motion, but concluding that 18 U.S.C. § 3742 (2006) provides no basis for the appeal. Nelson was informed of his right to file a pro se supplemental brief, but has not done so. The Government declined to file a brief.

We lack the authority to review a district court's decision concerning Rule 35(b) motions unless the ultimate sentence was imposed in violation of the law. United States v. Hartwell, 448 F.3d 707, 712-14 (4th Cir. 2006); United States v. Pridgen, 64 F.3d 147, 148-50 (4th Cir. 1995); see 18 U.S.C. § 3742. We conclude that the sentence Nelson received was not imposed in violation of the law, and thus we lack the authority to review the district court's order.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore dismiss the appeal. This court requires that counsel inform Nelson, in writing, of his right to petition the Supreme Court of the United States for further review. If

Nelson requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Nelson. 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