

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-4042**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LAYT KHALIL MOHAMMAD YOUNIS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Clinton. James C. Dever III, Chief District Judge. (5:09-cr-00338-D-1)

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Submitted: September 25, 2012

Decided: October 23, 2012

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Before MOTZ, KEENAN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Kristine L. Fritz, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Layt Khalil Mohammad Younis seeks to appeal his sentence after pleading guilty. Younis's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising the issue of whether the district court erred when it based the length of the sentence on his need for drug treatment, but concluding that there are no meritorious grounds for appeal due to Younis's waiver of the right to appeal included in the plea agreement. The Government has moved to dismiss the appeal as barred by the appeal waiver. Younis was notified of his right to file a pro se supplemental brief but has not done so.

Upon review of the plea agreement and the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that Younis knowingly and voluntarily waived his right to appeal, and the issue he seeks to raise falls within the scope of the waiver. Moreover, in accordance with Anders, we have reviewed the record in this case for any potentially meritorious issues that might fall outside the scope of the waiver and have found none.

Accordingly, we grant the Government's motion to dismiss the appeal. This court requires that counsel inform his 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 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 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.

DISMISSED