

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 12-4800**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARIEL GIOVANI MOLINA-HERNANDEZ, a/k/a Jonathan Nol Terron,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:12-cr-00134-WO-1)

---

Submitted: March 28, 2013

Decided: April 1, 2013

---

Before NIEMEYER, KING, and KEENAN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Todd Allen Smith, LAW OFFICE OF TODD ALLEN SMITH, Graham, North Carolina, for Appellant. Clifton Thomas Barrett, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ariel Giovanni Molina-Hernandez pled guilty to violating the terms of his supervised release order and was sentenced to twelve months of imprisonment to be served consecutively with his fifty-seven-month sentence imposed on the same day for other federal crimes. Molina-Hernandez's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating his opinion that there are no meritorious issues for appeal, but questioning whether the district court properly ran Molina-Hernandez's sentence consecutive to his other federal sentence. Molina-Hernandez was notified of his right to file a pro se supplemental brief but has failed to do so. The Government has declined to file a responsive brief. We affirm.

Because Molina-Hernandez was also serving a fifty-seven-month federal sentence, the district court imposed his twelve-month supervised release sentence to run consecutively, as recommended by the Sentencing Guidelines. See U.S. Sentencing Guidelines Manual ("USSG") § 7B1.3(f), p.s. (2011) (recommending a consecutive sentence for revocation of supervised release when also serving another sentence). Moreover, we note that Molina-Hernandez's twelve-month sentence was within his correctly calculated advisory Guidelines range for a Grade B violation of his supervised release and his criminal history category of II. See USSG § 7B1.4, p.s.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Molina-Hernandez's conviction and sentence. This court requires that counsel inform Molina-Hernandez, in writing, of the right to petition the Supreme Court of the United States for further review. If Molina-Hernandez 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 Molina-Hernandez. 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