

UNPUBLISHED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Affirmed by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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