

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-4143**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR DANIEL PINEDA-COTO,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., Chief District Judge. (3:11-cr-00003-RJC-5)

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Submitted: October 25, 2013

Decided: November 6, 2013

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Before WILKINSON, DUNCAN, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Ronald Cohen, Wilmington, North Carolina, for Appellant.  
William A. Brafford, Assistant United States Attorney,  
Charlotte, North Carolina; Amy Elizabeth Ray, Assistant United  
States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Victor Daniel Pineda-Coto pled guilty, pursuant to a written plea agreement, to conspiracy to possess with intent to distribute at least five kilograms of cocaine, in violation of 21 U.S.C. § 846 (2006). The district court sentenced Pineda-Coto to 120 months in prison. On appeal, counsel for Pineda-Coto filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues for appeal in light of Pineda-Coto's waiver of his right to appeal. Pineda-Coto did not file a supplemental pro se brief, despite notice of his right to do so. The government elected not to file a response to the Anders brief.

Although counsel is correct that Pineda-Coto's plea agreement contained an appellate waiver, the Government has not sought to enforce the waiver in this case. Accordingly, this Court conducts a review of the record as required by Anders. See United States v. Poindexter, 492 F.3d 263, 271 (4th Cir. 2007) ("If an Anders brief is filed, the government is free to file a responsive brief raising the waiver issue (if applicable) or do nothing, allowing this court to perform the required Anders review.").

In accordance with the requirements of Anders, we have examined the entire record and have found no meritorious issues. We therefore affirm the district court's judgment. This Court

requires that counsel inform Pineda-Coto in writing of his right to petition the Supreme Court of the United States for further review. If Pineda-Coto requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this Court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Pineda-Coto. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this Court and argument would not aid the decisional process.

AFFIRMED