

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4393

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERESA MARIBLE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:11-cr-00205-FDW-1)

Submitted: September 24, 2013 Decided: September 26, 2013

Before NIEMEYER and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Tony E. Rollman, Enka, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina; Kellie Hamby Ferry, Assistant United States Attorney, Benjamin Bain-Creed, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Teresa Marible appeals her conviction and thirty-six-month sentence following her guilty plea to conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349 (2006). In accordance with Anders v. California, 386 U.S. 738 (1967), Marible's counsel has filed a brief certifying that there are no meritorious issues for appeal but questioning whether Marible's trial counsel rendered ineffective assistance during Marible's plea and sentencing proceedings by failing to investigate her case, failing to challenge the forfeiture of a vehicle, and misadvising her about the possibility of release on bond before sentencing. Marible has declined to file a supplemental brief. We affirm.

In the absence of conclusive evidence of ineffective assistance of counsel on the face of the record, Marible's claims are not cognizable on direct appeal. United States v. Powell, 680 F.3d 350, 359 (4th Cir.), cert. denied, 133 S. Ct. 376 (2012). Rather, "[c]laims of ineffective assistance of counsel are normally raised before the district court via 28 U.S.C. § 2255[.]" Id. (internal quotation marks omitted); United States v. Baptiste, 596 F.3d 214, 216 n.1 (4th Cir. 2010). Because the record does not conclusively establish that counsel rendered ineffective assistance during the proceedings

in the district court, we decline to address Marible's ineffective assistance claims on direct appeal.

In accordance with Anders, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Marible, in writing, of her right to petition the Supreme Court of the United States for further review. If Marible 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 Marible. 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 in the decisional process.

AFFIRMED