

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4333

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONTAY MARKEITH WELLS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Timothy M. Cain, District Judge. (8:12-cr-00544-TMC-1)

Submitted: August 26, 2014

Decided: September 3, 2014

Before MOTZ and WYNN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David W. Plowden, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Elizabeth Jean Howard, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dontay Markeith Wells pleaded nolo contendere to assaulting a federal correctional officer, in violation of 18 U.S.C.A. § 111(a) (West 2012 & Supp. 2014). The district court sentenced Wells to thirty days of imprisonment and he now appeals. Appellate counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), questioning whether the district court erred in failing to rule on Wells' pro se motions filed prior to his entering his plea to the charge. Wells has filed a pro se supplemental brief raising additional issues.* Finding no error, we affirm.

"When a defendant pleads guilty, he waives all nonjurisdictional defects in the proceedings conducted prior to entry of the plea." United States v. Moussaoui, 591 F.3d 263, 279 (4th Cir. 2010) (internal quotation marks and citation omitted). "Thus, the defendant who has pled guilty has no non-jurisdictional ground upon which to attack that judgment except the inadequacy of the plea, . . . or the government's power to bring any indictment at all." Id. (internal quotation marks and citations omitted); see also Tollett v. Henderson, 411 U.S. 258, 267 (1973) (holding valid guilty plea waives any

* We have reviewed the issues raised in Wells' pro se supplemental brief and conclude they lack merit.

challenge to indicting grand jury). We have reviewed the record and conclude that Wells' plea was knowing and intelligent. Therefore, Wells has waived the right to challenge any non-jurisdictional defects occurring prior to his plea.

We have examined the entire record in accordance with the requirements of Anders and have found no meritorious issues for appeal. Accordingly, we affirm the judgment of the district court. This court requires that counsel inform Wells, in writing, of the right to petition the Supreme Court of the United States for further review. If Wells 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 Wells. 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