

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4556

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEANDER DEWEY JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:16-cr-00019-F-1)

Submitted: January 26, 2017

Decided: February 1, 2017

Before NIEMEYER, WYNN, and DIAZ, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Eric J. Brignac, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Jennifer P. May-Parker, Ethan A. Ontjes, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leander Dewey Jones pled guilty, pursuant to a written plea agreement, to manufacturing child pornography and was sentenced to 360 months' imprisonment. Jones' counsel now appeals the substantive reasonableness of Jones' sentence in accordance with Anders v. California, 386 U.S. 738 (1967). The Government has moved to dismiss Jones' appeal based upon a waiver of appellate rights in his plea agreement.

We conclude that the appeal waiver contained in Jones' plea agreement is valid, as he entered it knowingly and intelligently. See United States v. Manigan, 592 F.3d 621, 627 (4th Cir. 2010). Moreover, Jones' appeal of the substantive reasonableness of his sentence is barred by his waiver of appellate rights. Accordingly, we grant the motion to dismiss to the extent that it seeks dismissal of Jones' substantive reasonableness claim.

Furthermore, in accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal that are outside of the scope of the appeal waiver. We therefore affirm the district court's judgment as to any issue not precluded by the plea waiver.

This court requires that counsel inform Jones, in writing, of the right to petition the Supreme Court of the United States for further review. If Jones 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 Jones. 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.

DISMISSED IN PART;
AFFIRMED IN PART