

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-4243

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARVIN JOSHUA WHITE,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at
Florence. R. Bryan Harwell, District Judge. (4:15-cr-00715-RBH-1)

Submitted: December 19, 2017

Decided: December 21, 2017

Before SHEDD, AGEE, and DIAZ, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Bradley M. Kirkland, BRADLEY M. KIRKLAND, LLC, Columbia, South Carolina, for
Appellant. Alfred William Walker Bethea, Jr., Assistant United States Attorney,
OFFICE OF THE UNITED STATES ATTORNEY, Florence, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marvin Joshua White seeks to appeal his 180-month sentence, imposed pursuant to a Fed. R. Crim. P. 11(c)(1)(C) plea agreement, for possession with intent to distribute crack cocaine. White's counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether the district court imposed an unreasonable sentence. White filed a pro se brief contending that the district court improperly denied his motion to suppress, and that he is entitled to a sentence reduction pursuant to Amendment 794 to the U.S. Sentencing Guidelines. We dismiss in part and affirm in part.

We generally review a defendant's sentence "under a deferential abuse-of-discretion standard." *Gall v. United States*, 552 U.S. 38, 41 (2007). "However, not all sentences are subject to appellate review." *United States v. Williams*, 811 F.3d 621, 622-23 (4th Cir. 2016). In this case, we lack jurisdiction to review White's sentence of imprisonment because the district court sentenced White in accordance with the terms of his Rule 11(c)(1)(C) plea agreement, the sentence is not unlawful, and the sentence is not based on the Sentencing Guidelines. *See id.* at 623-25. We therefore dismiss White's appeal of his sentence.

We have considered the arguments asserted in White's pro se supplemental brief and conclude they are without merit. In accordance with *Anders*, within the constraints set forth in *Williams*, we have reviewed the entire record in this case and have found no meritorious issues for review. We therefore affirm White's conviction. This court requires that counsel inform White, in writing, of the right to petition the Supreme Court

of the United States for further review. If White 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 White.

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 IN PART;
DISMISSED IN PART*