

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 20-4031

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEMAR CONLIFFE, a/k/a AB,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Thomas S. Kleeh, District Judge. (1:18-cr-00055-TSK-MJA-1)

Submitted: July 14, 2020

Decided: July 22, 2020

Before WYNN and RUSHING, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Elizabeth B. Gross, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Clarksburg, West Virginia, for Appellant. Zelda Elizabeth Wesley, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lemar Conliffe pled guilty, pursuant to a written plea agreement, to aiding and abetting the distribution of cocaine base. The district court sentenced Conliffe to a total of 72 months' imprisonment, and Conliffe now appeals. Conliffe's counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether Conliffe's plea was knowing and voluntary. Neither Conliffe nor the Government has filed a brief. We affirm.

Because Conliffe did not move to withdraw his guilty plea, we review the adequacy of the Fed. R. Crim. P. 11 plea colloquy for plain error. *United States v. Sanya*, 774 F.3d 812, 815 (4th Cir. 2014). To demonstrate plain error, Conliffe "must demonstrate not only that the district court plainly erred, but also that this error affected his substantial rights. In the Rule 11 context, this inquiry means that [Conliffe] must demonstrate a reasonable probability that, but for the error, he would not have pleaded guilty." *Id.* at 816 (citation and internal quotation marks omitted). Our review reveals that the magistrate judge complied with Rule 11 and properly determined that Conliffe's plea was knowing and voluntary. Thus, there was no plain error.

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