

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-4490

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEPHEN CURTIS MILLS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:21-cr-00100-BO-1)

Submitted: June 29, 2022

Decided: July 15, 2022

Before MOTZ, RUSHING, and HEYTENS, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

ON BRIEF: G. Alan DuBois, Federal Public Defender, Jennifer C. Leisten, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Raleigh, North Carolina, for Appellant. Michael F. Easley, Jr., David A. Bragdon, Joshua L. Rogers, Assistant United States Attorneys, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stephen Curtis Mills, Jr., pled guilty to possession of a stolen firearm, in violation of 18 U.S.C. §§ 922(j), 924(a)(2). The district court sentenced Mills to 108 months' imprisonment and three years' supervised release. Mills timely appealed.

Mills' counsel has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel states that there are no meritorious grounds for appeal, but questions whether the district court erred in failing to explain Mills' sentence and address Mills' nonfrivolous arguments for a lower sentence. Mills was advised of the right to file a pro se brief but has not done so. The Government has moved to dismiss the appeal pursuant to a waiver of appellate rights in Mills' plea agreement.

Although the district court did not fully comply with Rule 11, we see no omissions that would render the plea agreement invalid. We review the validity of the appeal waiver in that agreement de novo. *United States v. Dillard*, 891 F.3d 151, 156 (4th Cir. 2018). “[W]e will enforce the waiver if it is valid and the issue appealed is within the scope of the waiver.” *United States v. Adams*, 814 F.3d 178, 182 (4th Cir. 2016). A waiver is valid if it is knowing and voluntary. *Id.* Mills does not dispute that he knowingly and voluntarily waived his right to appeal, and our review of the plea hearing leads us to conclude that the waiver is valid and enforceable. Mills' challenge to his sentence falls squarely within the scope of the waiver. Moreover, we have thoroughly reviewed the record in accordance with *Anders* and have identified no potentially meritorious issues that would fall outside the waiver's broad scope. Accordingly, we grant the Government's motion to dismiss in

part, dismiss the appeal as to all issues within the waiver's scope, and affirm the remainder of the judgment.

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

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*