

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
BRIAN LEE WILLIAMS,
Defendant-Appellant.

No. 00-4152

Appeal from the United States District Court
for the District of South Carolina, at Anderson.
Margaret B. Seymour, District Judge.
(CR-99-609)

Submitted: July 20, 2000

Decided: January 29, 2001

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. E. Jean Howard, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Brian Lee Williams appeals his conviction pursuant to guilty plea of being a felon in possession of a firearm in violation of 18 U.S.C.A. § 924(g)(1) (West 2000) and his resulting thirty-month sentence. His attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1968), raising three issues but stating that, in his view, there are no meritorious issues for appeal. Williams was informed of his right to file a pro se supplemental brief but has failed to do so. Finding no reversible error, we affirm.

We find no error in Williams' Fed. R. Crim. P. 11 hearing. We also conclude that we lack authority to review Williams' sentence, which was at the low end of the properly calculated guidelines range and far below the statutory maximum. *See United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990). Finally, we are also without authority to review the sentencing court's denial of Williams' request for a downward departure based upon family ties and responsibilities because the sentencing court was aware of its authority to depart and simply declined to do so. *See United States v. Bayerle*, 898 F.2d 28, 31 (4th Cir. 1990).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Williams' conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client 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 the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED