

UNPUBLISHED

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
JOEL LOPEZ, a/k/a Javier Aldama, <i>Defendant-Appellant.</i>

No. 00-4696

Appeal from the United States District Court
for the District of South Carolina, at Greenville.
G. Ross Anderson, Jr., District Judge.
(CR-00-44)

Submitted: April 12, 2001

Decided: April 20, 2001

Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

COUNSEL

Russell D. Ghent, LEATHERWOOD, WALKER, TODD & MANN,
P.C., Greenville, South Carolina, for Appellant. Isaac Louis Johnson,
Jr., 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Unpublished opinions are not binding precedent in this circuit.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:

Joel Lopez appeals his sixty month sentence imposed pursuant to his conviction upon a guilty plea to one count of possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1)&(2)(1994), and one count of conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846 (1994). Lopez's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), raising two issues on appeal but stating that, in his view, there are no meritorious issues for appeal. Lopez was informed of his right to file a pro se supplemental brief but has failed to do so.

Lopez, a Mexican national, does not speak English. He was provided with a translator at both the Rule 11 hearing and the sentencing hearing. All pertinent documents were provided to him in Spanish. On appeal, he questions whether his plea was knowing and voluntary. A review of the Rule 11 hearing discloses that he entered into a knowing and voluntary plea.

Between acceptance of his guilty plea and the sentencing hearing, Lopez moved the court, in a document prepared by a fellow inmate, to withdraw his guilty plea. At the sentencing hearing, however, his counsel withdrew that motion and Lopez did not renew the motion. Lopez contends on appeal that it was error for the court to fail to conduct a hearing on his motion to withdraw his guilty plea. A review of the sentencing hearing discloses that Lopez abandoned the motion to withdraw the plea at sentencing, obviating the need for the court to further address the matter.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore dismiss this appeal. 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 in the decisional process.

DISMISSED