

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
LONNIE RAY PATTERSON,
Defendant-Appellant.

No. 01-4032

Appeal from the United States District Court
for the District of South Carolina, at Anderson.
Margaret B. Seymour, District Judge.
(CR-99-869)

Submitted: June 20, 2001

Decided: July 5, 2001

Before WILKINS and WILLIAMS, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Leesa Washington, Assistant Federal Public Defender, 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Unpublished opinions are not binding precedent in this circuit.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:

Lonnie Ray Patterson was convicted in the United States District Court for the District of South Carolina, pursuant to his guilty plea, of bank robbery, in violation of 18 U.S.C.A. § 2113(a) (West 2000). Patterson was sentenced to thirty-seven months imprisonment to be followed by three years of supervised release, with \$745 in restitution. Patterson's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), challenging the adequacy of the guilty plea and the propriety of the sentence.

Counsel first asserts that the district court failed to comply with the dictates of Federal Rule of Criminal Procedure 11 in conducting Patterson's guilty plea colloquy. Under Rule 11(h), any variance from the rule's requirements that does not affect substantial rights is to be disregarded. We accord deference to the manner by which the district court conducts the Rule 11 proceeding. *United States v. DeFusco*, 949 F.2d 114, 116-17 (4th Cir. 1991). Having carefully reviewed the transcript of Patterson's plea proceeding, we perceive no error, harmless or otherwise. Therefore, this claim lacks merit.

Next, counsel asserts that the district court erred in calculating Patterson's sentencing guideline range and in imposing a sentence of thirty-seven months imprisonment. Having reviewed the relevant materials, we conclude that the district court properly calculated the sentencing range under the *U.S. Sentencing Guidelines Manual* (1998). The district court imposed the lowest possible sentence within that range, and there is no appellate review of a sentence within a properly calculated range. *United States v. Jones*, 18 F.3d 1145, 1151 (4th Cir. 1994); *United States v. Porter*, 909 F.2d 789, 794-95 (4th Cir. 1990). Therefore, we conclude that this claim lacks merit as well.

We have examined the entire record in this case in accordance with the requirements of *Anders* and find no meritorious issues for appeal. We therefore affirm Patterson's conviction and sentence.

This Court requires that counsel inform her 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