

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
CHRISTOPHER CANADA, <i>Defendant-Appellant.</i>

No. 01-4419

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
Frank W. Bullock, Jr., District Judge.
(CR-00-410)

Submitted: November 29, 2001

Decided: December 7, 2001

Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Benjamin H. White, Jr., United States Attorney, Lisa B. Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Christopher Gram Canada appeals his seventy-three-month sentence imposed after he pled guilty to transporting child pornography in interstate commerce, in violation of 18 U.S.C.A. § 2252A(a)(1) (West 2000). Canada's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), raising one sentencing issue on appeal but stating that, in his view, there are no meritorious grounds for appeal. Canada was informed of his right to file a pro se supplemental brief but has not done so. We affirm.

Canada asserts that the district court erred in applying a five-level enhancement under *U.S. Sentencing Guidelines Manual* § 2G2.2(b)(2) (1998).^{*} He reasons that using his computer to download two images of child pornography for every one he received did not constitute distribution. We rejected a similar claim in *United States v. Williams*, 253 F.3d 789 (4th Cir. 2001).

As required by *Anders*, we have examined the entire record and find no other meritorious issues for appeal. We therefore affirm. 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 deny counsel's motion to withdraw and 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

^{*}Canada was sentenced in May 2001. Although the court should have used the 2000 version of the Sentencing Guidelines, which was in effect at the time Canada was sentenced, *see* USSG § 1B1.11(a), any error was harmless because Canada would receive the same sentence under either the 1998 or 2000 version.