

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

ROBERT D. ZINNAMON, a/k/a Robert  
Gerald,

*Defendant-Appellant.*

No. 01-4570

Appeal from the United States District Court  
for the Southern District of West Virginia, at Charleston.  
Charles H. Haden II, Chief District Judge.  
(CR-91-387)

Submitted: February 15, 2002

Decided: March 1, 2002

Before NIEMEYER, LUTTIG, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Mary Lou Newberger, Acting Federal Public Defender, Edward H. Weis, First Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, Miller A. Bushong, III, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

#### PER CURIAM:

Robert D. Zinnamon appeals his sentence, upon revocation of his supervised release, to seven months incarceration followed by twenty-nine months supervised release. Zinnamon's attorney filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), stating there are no meritorious issues for appeal. On Zinnamon's behalf, counsel contends 18 U.S.C. § 3583(e)(3) (1988 & Supp. V) (current version at 18 U.S.C. § 3538(e)(3) (1994)), required the district court to give Zinnamon credit for time served on supervised release when it sentenced him to a second term of supervised release. Although advised of his right to do so, Zinnamon has not filed a pro se supplemental brief.

We have reviewed the entire record in this case in accordance with the requirements of *Anders* and find no error in Zinnamon's sentence and no meritorious issues for appeal. *See* 18 U.S.C § 3583(e)(3) (1988 & Supp. V); *Johnson v. United States*, 529 U.S. 694, 703-13 (2000). We therefore affirm Zinnamon's sentence.

We require that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If Zinnamon 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 Zinnamon. 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*