

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

JESUS VERAS-PRUDENTE,  
*Defendant-Appellant.*

No. 01-4679

Appeal from the United States District Court  
for the Middle District of North Carolina, at Durham.  
James A. Beaty, Jr., District Judge.  
(CR-01-110)

Submitted: January 17, 2002

Decided: January 30, 2002

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

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Benjamin H. White, Jr., United States Attorney, Arnold L. Husser, Assistant United States Attorney, Greensboro, North Carolina, 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Unpublished opinions are not binding precedent in this circuit.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:

Jesus Veras-Prudente appeals the sentence imposed following his guilty plea to re-entry after deportation by an alien previously convicted of an aggravated felony, in violation of 8 U.S.C.A. §§ 1326(a), (b)(2) (West 1999). Veras-Prudente's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel states there are no meritorious issues for appeal, but contends on Veras-Prudente's behalf that the district court erred in sentencing him to forty-one months' imprisonment, which was within the guidelines range of forty-one to fifty-one months. Veras-Prudente has also filed a pro se supplemental brief.

In the *Anders* brief prepared by counsel, Veras-Prudente presents no challenge to the calculation of the guidelines range but merely contends his sentence was too high within the correct range, we find he is not entitled to appellate review on his claim. See *United States v. Jones*, 18 F.3d 1145, 1150-51 (4th Cir. 1994); *United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990). We find the claims in Veras-Prudente's pro se supplemental brief meritless. We also deny Veras-Prudente's motion to strike the Government's brief. In addition, 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 Veras-Prudente's conviction and sentence.

We deny counsel's motion to withdraw at this time. This court requires counsel to inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests a petition be filed, but counsel believes 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. Finally, we dispense with oral argument because the facts and legal contentions are adequately pre-

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sented in the materials before the court and argument would not aid the decisional process.

*AFFIRMED*