

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAMES DAVID SLUSS, a/k/a J.D.,
Defendant-Appellant.

No. 01-4710

Appeal from the United States District Court
for the Southern District of West Virginia, at Beckley.
David A. Faber, District Judge.
(CR-00-185)

Submitted: April 9, 2002

Decided: May 9, 2002

Before WIDENER and MOTZ, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

G. Ernest Skaggs, SKAGGS & SKAGGS, Fayetteville, West Virginia, for Appellant. Kasey Warner, United States Attorney, Monica K. Schwartz, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

James David Sluss pled guilty to use of a telephone in the commission of a drug trafficking felony, in violation of 21 U.S.C. § 843(b) (1994). He appeals his sentence. Sluss' attorney has filed a brief citing *Anders v. California*, 386 U.S. 738 (1967), contending the district court erred in determining Sluss' relevant conduct but stating that, in his view, there are no meritorious issues for appeal. Sluss has filed a pro se supplemental brief.

We review the district court's factual findings regarding the application of the federal sentencing guidelines for clear error. *United States v. Williams*, 977 F.2d 866, 869 (4th Cir. 1992); *United States v. Daughtrey*, 874 F.2d 213, 217 (4th Cir. 1989). We find the district court did not clearly error in determining Sluss' relevant conduct. See *United States Sentencing Guidelines Manual* § 1B1.3(a)(2) (2000). We have also reviewed Sluss' supplemental brief and find his claims meritless.

In accordance with *Anders*, we have reviewed the entire record and find no meritorious issues for appeal. We therefore affirm Sluss' conviction and sentence. We deny Sluss' motions to relieve his counsel and to appoint him new counsel. 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 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