

Remanded by Supreme Court, January 24, 2005

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4720

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CECIL LAMONT STOKES,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-03-95)

Submitted: March 11, 2004

Decided: March 17, 2004

Before WIDENER, WILKINSON, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Angela Hewlett Miller, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant Cecil Lamont Stokes pled guilty pursuant to a written plea agreement to one count of interference with commerce and one count of brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. §§ 1951 and 924(c)(1)(A)(ii)(2000). The district court sentenced Stokes to 162 months in prison. Stokes timely appealed.

Stokes's appellate counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising one issue: whether the district court abused its discretion in sentencing Stokes within the appropriate sentencing guidelines range. Stokes has filed a pro se supplemental brief arguing that the district court improperly enhanced his sentence and that the Government had no jurisdiction over his case. The Government has elected not to file a brief.

We have reviewed the arguments presented by Anders counsel and by Stokes and conclude they are without merit. Additionally, we have independently reviewed the entire record in this case in accordance with Anders and have found no meritorious issues for appeal. We therefore affirm Stokes's conviction and sentence. 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.

We deny counsel's motion to withdraw at this time. This court requires that Anders 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, counsel may then move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

AFFIRMED