

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4089

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIAM GERARDO MENA-RUIZ, a/k/a Alberto Jose
Picado,

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-03-308)

Submitted: June 23, 2004

Decided: July 13, 2004

Before WIDENER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William C. Ingram,
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Unpublished opinions are not binding precedent in this circuit.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:

William Gerardo Mena-Ruiz appeals his conviction and 68-month sentence, pursuant to his guilty plea, to illegal reentry as an aggravated felon, in violation of 8 U.S.C. §§ 1326(a)-(b)(2) (2000). Mena-Ruiz's counsel has filed an appeal under Anders v. California, 386 U.S. 738 (1967). Mena-Ruiz asserts his federal sentence should have been imposed to run concurrently with potential sentences for state offenses that were pending at the time of his federal sentencing. This Court reviews a district court's factual findings at sentencing for clear error and its related legal conclusions, including the application of the Sentencing Guidelines, de novo. United States v. Daughtrey, 874 F.2d 213, 217 (4th Cir. 1989). Mena-Ruiz's claim is meritless. There is no basis to conclude Mena-Ruiz's federal sentence should have been imposed to run concurrently with sentences he potentially faced for state offenses pending at the time of his federal sentencing. See generally U.S. Sentencing Guidelines Manual § 5G1.3 (2003).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Mena-Ruiz's conviction and sentence. 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 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