

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4635

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HORACE BUSH, a/k/a Alvin Bush,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, District Judge. (CR-91-69-NN)

Submitted: March 11, 2005

Decided: March 31, 2005

Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Frank W. Dunham, Jr., Federal Public Defender, Gretchen L. Taylor, Assistant Federal Public Defender, Norfolk, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Robert E. Bradenham II, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Horace Bush appeals the district court's order revoking his supervised release and sentencing him to sixty months' imprisonment. Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no non-frivolous grounds for appeal, but suggesting that the term of imprisonment imposed by the district court is unreasonable.* Bush was notified of his right to file a pro se supplemental brief, but he has not done so.

We have reviewed the record and conclude that Bush's sentence is within the statutory maximum sentencing range, and the district court's revocation proceedings otherwise comport with due process. See 18 U.S.C. § 3583 (2000). Moreover, we conclude that the district court did not abuse its discretion in sentencing Bush to the maximum term permitted by statute. Finding no error, we affirm the judgment of the district court.

This court requires that counsel inform her 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

*Because the sentencing guidelines relating to revocation of supervised release have always been advisory, see U.S. Sentencing Guidelines Manual Ch. 7 Pt. A, the sentence in this appeal is not impacted by the decision in United States v. Booker, 125 S. Ct. 738 (2005).

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