

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4958

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DWAYNE EDDIE MUNGO,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Richard L. Voorhees,
District Judge. (CR-02-215)

Submitted: February 22, 2006

Decided: March 15, 2006

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

H. Thomas Church, THE CHURCH LAW FIRM, Mooresville, North Carolina,
for Appellant. Gretchen C. F. Shappert, United States Attorney,
Robert John Gleason, Assistant United States Attorney, Charlotte,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dwayne Eddie Mungo pled guilty to one count of possession of a firearm by a felon, in violation of 18 U.S.C.A. §§ 922(g)(1), 924(e) (West 2000 & Supp. 2005). He was sentenced to the statutory minimum term of fifteen years' imprisonment. On appeal, counsel filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating there are no meritorious grounds for appeal but addressing whether Mungo was properly found to be an armed career criminal under U.S. Sentencing Guidelines Manual § 4B1.4 (2004). Mungo was informed of his right to file a pro se supplemental brief, but did not do so. The Government did not file a brief. Finding no error, we affirm.

We find there was no error in classifying Mungo as an armed career criminal and increasing his statutory minimum sentence to fifteen years' imprisonment. Because Mungo was sentenced to the statutory minimum term of imprisonment, we find no error with the application of the sentencing guidelines.

As required by Anders, we have examined the entire record in this case and find no error. Accordingly, we affirm Mungo's conviction and sentence. This court requires counsel to inform Mungo, in writing, of his right to petition the Supreme Court of the United States for further review. If he 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 Mungo. 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