

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4007**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID WALTER PITTS,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Beckley. Robert C. Chambers,  
District Judge. (CR-03-152)

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Submitted: May 6, 2005

Decided: May 23, 2005

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Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Mary Lou Newberger, Federal Public Defender, Jonathan D. Byrne,  
Appellate Counsel, David R. Bungard, Assistant Federal Public  
Defender, Charleston, West Virginia, for Appellant. Kasey Warner,  
United States Attorney, John L. File, Assistant United States  
Attorney, Beckley, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David Walter Pitts appeals the district court's order imposing a twelve-month term of imprisonment upon revocation of his supervised release. Pitts' counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating there were no meritorious grounds for appeal, but raising the issue of whether the district court erred in sentencing Pitts. Although informed of his right to do so, Pitts has not filed a pro se supplemental brief.

We will reverse a district court's order imposing a sentence after revocation of supervised release only if it is "plainly unreasonable." See 18 U.S.C.A. § 3742(a)(4). Pitts' offense has a recommended guidelines range, and the district court imposed a sentence within that range. We conclude that Pitts' sentence was not plainly unreasonable.

In accordance with the requirements of Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. Accordingly, we affirm Pitts' sentence. This court requires counsel inform their client, in writing, of his right to petition the Supreme Court of the United State for further review. If the client 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 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