

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4057**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY DRAKE PENDERGRASS, a/k/a Joseph  
McCullough,

Defendant - Appellant.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. G. Ross Anderson, Jr., District  
Judge. (CR-03-42)

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Submitted: January 18, 2006

Decided: February 9, 2006

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Janis Richardson Hall, Greenville, South Carolina, for Appellant.  
Isaac Louis Johnson, Jr., OFFICE OF THE UNITED STATES ATTORNEY,  
Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony Drake Pendergrass pled guilty pursuant to a plea agreement to one count of possession of more than fifty grams of cocaine base with intent to distribute. He was sentenced to 262 months in prison. Pendergrass now appeals. His attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that, in counsel's opinion, there are no meritorious issues for appeal. Pendergrass was advised of his right to file a pro se supplemental brief, but has not filed such a brief. We affirm.

The sole issue raised by counsel is whether the district court complied with Fed. R. Crim. P. 11. We note that counsel identifies no error in the Rule 11 proceeding and concludes that there was full compliance with the Rule. Our review of the transcript of the arraignment similarly discloses full compliance.

In accordance with Anders, we have thoroughly reviewed the entire record and have found no meritorious issues for appeal.\* We therefore affirm. This court requires that counsel inform the client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that

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\*We note that the sentence does not violate United States v. Booker, 543 U.S. 220 (2005), and that the district court's mandatory treatment of the sentencing guidelines does not require reversal because there is no nonspeculative basis to conclude that such mandatory treatment affected the selection of the sentence imposed. See United States v. White, 405 F.2d 208, 223 (4th Cir. 2005).

a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court 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