

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4372**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRYAN A. VANMETER,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Irene M. Keeley, Chief District Judge. (CR-96-4)

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Submitted: August 26, 2005

Decided: September 12, 2005

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

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Affirmed by unpublished per curiam opinion.

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Brian J. Kornbrath, Federal Public Defender, Clarksburg, West Virginia, for Appellant. Sherry Muncy, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bryan A. Vanmeter appeals a district court judgment revoking his supervised release and sentencing him to 10 months' imprisonment. On appeal, Vanmeter's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), claiming there are no meritorious issues on appeal, but raising the question of whether the district court erred in using a certified copy of a sentencing order to establish Vanmeter violated a condition of supervised release by committing another crime. Counsel also raises the issue as to whether the sentence was in error. Vanmeter did not file a pro se supplemental brief. Finding no error, we affirm.

We review the district court's decision to revoke a defendant's supervised release for an abuse of discretion. United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C.A. § 3583(e)(3) (West 2000 & Supp. 2005). Factual determinations are reviewed for clear error. United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003). We find the certified copy of the sentence order was more than sufficient to support the court's decision to revoke supervised release.

With respect to Vanmeter's sentence, it did not exceed the statutory maximum and was plainly reasonable. 18 U.S.C. § 3742(a)(4) (2000).

Pursuant to Anders, we have examined the entire record and find no meritorious issues for appeal. Accordingly, we affirm Vanmeter's judgment. This court requires 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 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