

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4644

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HUGO RENE GOMEZ, a/k/a Michael Christopher
Fierro,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, District
Judge. (CR-04-423)

Submitted: June 30, 2006

Decided: August 10, 2006

Before WILLIAMS, MOTZ, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. Darren Byers, LAW OFFICES OF J. DARREN BYERS, P.A.,
Winston-Salem, North Carolina, for Appellant. Angela Hewlett
Miller, OFFICE OF THE UNITED STATES ATTORNEY, Michael Augustus
DeFranco, Assistant United States Attorney, Greensboro, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Hugo Rene Gomez pled guilty pursuant to a plea agreement to distributing five kilograms or more of cocaine (Count 1) and to illegal reentry of an aggravated felon after removal in violation of 8 U.S.C. § 1326(a), (b)(2) (2000) (Count Three). On appeal, counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), alleging that there are no meritorious claims on appeal but raising the following issue: whether the district court erred by failing to allow Gomez to withdraw his guilty plea. For the reasons that follow, we affirm.

We find no abuse of discretion by the district court in denying Gomez's motion to withdraw his guilty plea. United States v. Ubakanma, 215 F.3d 421, 424 (4th Cir. 2000) (stating review standard); see United States v. Moore, 931 F.2d 245, 248 (4th Cir. 1991) (articulating factors to consider when defendant seeks to withdraw guilty plea). We have examined the entire record in this case, including the issues raised in Gomez's informal brief, in accordance with the requirements of Anders, and find no meritorious issues for appeal. Accordingly, we affirm. Gomez's pro se motion for preparation of transcripts at government expense is denied.

This court requires that 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 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 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