

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5070

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE R. TAYLOR,

Defendant - Appellant.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,
District Judge. (CR-05-25)

Submitted: May 16, 2006

Decided: May 18, 2006

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert G. McCoid, MCCAMIC, SACCO, PIZZUTI & MCCOID, PLLC, Wheeling,
West Virginia, for Appellant. Thomas E. Johnston, United States
Attorney, John C. Parr, Assistant United States Attorney, Wheeling,
West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George R. Taylor appeals his conviction and 110-month sentence pursuant to his guilty plea for aiding and abetting the possession with intent to distribute more than five grams of cocaine base, in violation of 18 U.S.C. § 2 (2000) and 21 U.S.C. § 841(a)(1), 841(b)(1)(B) (2000).

Counsel for Taylor has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he states there are no meritorious issues for review, but presenting the issue of whether the district court erred in its calculation of Taylor's criminal history score. Although informed of his right to file a pro se supplemental brief, Taylor has not done so.

Taylor's plea agreement included a provision by which he agreed to waive his right to appeal any prison sentence under 125 months. Taylor knowingly and voluntarily agreed to this provision. We conclude that the appeal waiver is valid and enforceable. Because Taylor received a sentence shorter than 125 months, he has waived his right to appeal. See United States v. Blick, 408 F.3d 162, 168 (4th Cir. 2005).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Taylor's conviction and sentence. This court requires that counsel inform Taylor, in writing, of the right to petition the Supreme Court of the United States for

further review. If Taylor 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 Taylor.

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