

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4600

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ENRIQUE BARRAGAN CONTRERAS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:03-cr-00231-2)

Submitted: December 14, 2006

Decided: December 19, 2006

Before MICHAEL, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Angela Parrott, FEDERAL DEFENDERS OF WESTERN NORTH CAROLINA, INC., Charlotte, North Carolina, for Appellant. Kevin Zolot, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Enrique Barragan Contreras pled guilty to conspiracy to possess with intent to distribute 5 kilograms or more of cocaine and 100 kilograms or more of marijuana. He was sentenced to 168 months in prison. On appeal, Barragan Contreras's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there were no meritorious issues for appeal but raising the question of whether Barragan Contreras's motion to substitute counsel was properly denied. Barragan Contreras has filed a pro se supplemental brief raising the following issues: (1) whether the search of his home was proper, (2) whether his sentence was properly enhanced for possession of a firearm, and (3) whether the district court correctly calculated the amount of marijuana attributable to him. We affirm.

Regarding the claim raised by counsel, while the court initially denied Barragan Contreras's motion to substitute counsel, the court granted the motion when Barragan Contreras renewed it, and he was appointed substitute counsel for sentencing. Barragan Contreras does not allege any prejudice, and there is no indication in the record that the denial of the first motion hindered his defense. Accordingly, any error was harmless.

As to the pro se claims, claim one was waived by Barragan Contreras's guilty plea. Claim two was foreclosed by his plea agreement. Finally, claim three is without merit. Even removing

all marijuana amounts from the calculated drug total would not have changed Barragan Contreras's offense level. Thus, any error was harmless.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. Accordingly, we affirm Barragan Contreras's conviction and sentence. We deny his motion to extend time to supplement his pro se brief. This court requires that counsel inform her 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