

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-5015**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCOS MANCHA,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (2:06-cr-00539-PMD)

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Submitted: July 22, 2008

Decided: July 24, 2008

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Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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J. Joseph Condon, Jr., CONDON LAW FIRM, North Charleston, South Carolina, for Appellant. Eric J. Klumb, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcos Mancha pleaded guilty, pursuant to a plea agreement, to one count of conspiracy to possess with intent to distribute and to distribute 500 grams or more of a mixture containing methamphetamine and fifty grams or more of crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2000). The district court granted the Government's motion for a downward departure pursuant to U.S. Sentencing Guidelines Manual § 5K1.1 (2006), and sentenced Mancha to the statutory minimum of 240 months of imprisonment. Mancha timely appealed.

On appeal, counsel has filed an Anders\* brief, in which he states there are no meritorious issues for appeal. Mancha was advised of his right to file a pro se supplemental brief, but has not filed a brief. The Government declined to file a brief. We affirm.

Our review of the record reveals that the district court conducted a thorough inquiry pursuant to Fed. R. Crim. P. 11 that ensured that Mancha's guilty plea was knowing and voluntary, and supported by a sufficient factual basis. Mancha's sentence was the mandatory minimum sentence. The district court was without authority, in the absence of a substantial assistance motion filed by the government pursuant to 18 U.S.C.A. § 3553(e) (West 2000 & Supp. 2007), to sentence Mancha below the statutory mandatory

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\*Anders v. California, 386 U.S. 738 (1967).

minimum sentence. See United States v. Allen, 450 F.3d 565, 568-69 (4th Cir. 2006).

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

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