

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-5024

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONALD BENNETT,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Richard D. Bennett, District Judge. (1:07-cr-00147-RDB)

Submitted: June 30, 2008

Decided: July 17, 2008

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

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Paresh S. Patel, Staff Attorney, Joanna Silver, Assistant Federal Public Defender, Greenbelt, Maryland, for Appellant. Tonya Kelly Kowitz, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donald Bennett pled guilty to being a felon in possession of a firearm under 18 U.S.C. § 922(g) (2000) and was given a mandatory minimum fifteen-year sentence under 18 U.S.C.A. § 924(e) (West Supp. 2008) because he was an armed career criminal. 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 Bennett waived his right to appeal his sentence in his plea agreement. Despite notice, Bennett did not file a pro se supplemental brief. For the reasons that follow, we affirm.

The record reveals Bennett knowingly and voluntarily waived his right to appeal the district court's determination of whether he was classified as an armed career criminal. United States v. Wessells, 936 F.2d 165, 167-68 (4th Cir. 1991). Moreover, we find no abuse of discretion in the district court's fifteen-year sentence. Gall v. United States, 128 S. Ct. 586, 597 (2007); United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007).

We have examined the entire record in this case in accordance with the requirements of Anders, and find no meritorious issues for appeal. Accordingly, we affirm. 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