

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4008

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENNETH DUNCAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (2:06-cr-01208-PMD-4)

Submitted: November 12, 2008

Decided: November 26, 2008

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Russell W. Mace, III, THE MACE FIRM, Myrtle Beach, South Carolina, for Appellant. Alston Calhoun Badger, Jr., Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Lee Duncan appeals his conviction and sentence. Duncan pled guilty to one count of conspiracy to manufacture, possess with intent to distribute, and distribution of a mixture or substance containing fifty grams or more of methamphetamine. Duncan's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues for appeal but raising several issues regarding Duncan's sentence. Duncan has filed a pro se supplemental brief. The Government has declined to file a brief. Finding no meritorious issues, we affirm.

Counsel asserts on Duncan's behalf that the district court erred in finding Duncan culpable for over 500 grams of methamphetamine, in applying a two level enhancement for possession of a weapon, and in declining to grant Duncan a reduction for acceptance of responsibility. We have thoroughly reviewed the record and find no error in Duncan's sentence. See United States v. Green, 436 F.3d 449, 456 (4th Cir.), cert. denied, 547 U.S. 1156 (2006). In addition, we have considered the issues raised by Duncan in his pro se supplemental brief and find the arguments to be without merit.

In accordance with Anders, we have reviewed the entire record in this case and found no meritorious issues for appeal. We therefore affirm Duncan's conviction and sentence. 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. Finally, 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