

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4901

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LILLIE A. BARBER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Margaret B. Seymour, District Judge. (3:06-cr-00320-MBS-2)

Submitted: January 23, 2009

Decided: February 5, 2009

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Katherine E. Evatt, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. Anne Hunter Young, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lillie A. Barber was convicted of conspiring to defraud the United States, in violation of 18 U.S.C. § 371 (2006), and was sentenced to sixty months of probation. Thereafter, Barber pled guilty to three probation violations and the district court did not alter her sentence other than to require her to spend four months in a halfway house. Nonetheless, Barber again violated the conditions of her probation and pled guilty to three new violations. This time the district court sentenced her to six months of incarceration.

On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no meritorious grounds for appeal, but raising the following issue: whether the district court erred by sentencing Barber within the advisory Sentencing Guidelines range without giving adequate consideration to the 18 U.S.C. § 3553(a) (2006) factors. For the reasons that follow, we affirm.

We first note that Barber was sentenced in the middle of her advisory Sentencing Guidelines range of three to nine months. Thus, we do not find her resulting sentence is plainly unreasonable. United States v. Crudup, 461 F.3d 433, 437 (4th Cir. 2006), cert. denied, 127 S. Ct. 1813 (2007) (providing review standard for revocation of supervised release). In accordance with Anders, we have reviewed the entire record in

this case and have found no meritorious issues for appeal. Accordingly, we affirm the judgment of the district court. This court requires that counsel inform her client, in writing, of her 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 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