

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4032

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MOHAMMAD B. AL-KURDI,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., Chief District Judge. (3:07-cr-00056-RJC-1)

Submitted: August 24, 2009

Decided: August 28, 2009

Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

James S. Weidner, Jr., LAW OFFICE OF JAMES S. WEIDNER, JR., Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mohammad B. Al-Kurdi pleaded guilty, pursuant to a plea agreement, to a one-count information that alleged that he engaged in a conspiracy to commit identity fraud, receipt and possession of items stolen from a bank, sale of stolen goods, and false representation of a social security number, in violation of 18 U.S.C. § 371 (2006). The district court sentenced Al-Kurdi on November 19, 2008, to twenty-seven months of imprisonment, and allowed him to self-report for service of his sentence. Al-Kurdi was directed to report to begin his sentence on February 2, 2009, but failed to report and his whereabouts are unknown. Al-Kurdi's attorney timely filed an appeal and has filed an appellate brief pursuant to Anders v. California, 386 U.S. 738 (1967). For the reasons that follow, we dismiss the appeal.

"It has been settled for well over a century that an appellate court may dismiss the appeal of a defendant who is a fugitive from justice during the pendency of his appeal." Ortega-Rodriguez v. United States, 507 U.S. 234, 239 (1993). Al-Kurdi's fugitive status "disentitles [him] to call upon the resources of the Court for determination of his claims." Id. at 240 (quoting Molinaro v. New Jersey, 396 U.S. 365, 366 (1970)).

Accordingly, we dismiss the appeal. 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.

DISMISSED