

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-4834**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL DEWAYNE CLARK,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Spartanburg. G. Ross Anderson, Jr., Senior District Judge. (7:92-cr-00417-GRA-1)

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Submitted: February 1, 2011

Decided: March 10, 2011

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Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. William Corley Lucius, David Calhoun Stephens, Assistant United States Attorneys, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Dewayne Clark, who is currently a North Carolina prisoner, appeals the district court's order denying his motion to rescind the arrest warrant for his violation of supervised release and to terminate the balance of his supervised release. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), questioning whether the delay in executing the warrant violates Clark's right to due process under the Fifth Amendment and his right to a speedy trial under the Sixth Amendment and the Speedy Trial Act. Clark has filed a pro se supplemental brief asserting that the Government has waived jurisdiction in this case by turning him over to state custody. Clark also contends that his term of supervised release has expired.

In accordance with Anders, we have reviewed the record in this case and counsel's and Clark's contentions on appeal. We find the claims raised to be without merit and have found no other meritorious issues for appeal. Accordingly, we affirm the district court's order denying relief. United States v. Clark, No. 7:92-cr-00417-GRA-1 (D.S.C. July 21, 2010). This court requires that counsel inform Clark in writing of the right to petition the Supreme Court of the United States for further review. If Clark 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 Clark. 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