

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4145

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE INOCENTE DOMINGUEZ MARTINEZ,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, Jr., District Judge. (1:10-cr-00175-WO-1)

Submitted: February 21, 2012

Decided: March 1, 2012

Before WILKINSON and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Todd A. Smith, LAW FIRM OF TODD A. SMITH, Graham, North Carolina, for Appellant. Sandra Jane Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jose Inocente Dominguez Martinez pleaded guilty, pursuant to a plea agreement, to one count of distribution of cocaine hydrochloride in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C) (2006) and one count of possession of a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(i) (2006). The district court sentenced Dominguez Martinez to twelve months in prison for the cocaine distribution conviction followed by a consecutive term of sixty months for the firearm conviction. We affirm.

On appeal, Dominguez Martinez's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he states that he can find no meritorious issues for appeal. Counsel seeks our review of the consecutive nature of Dominguez Martinez's sentences. We find no error there, as the statute mandated a consecutive sentence for Dominguez Martinez's firearm conviction. 18 U.S.C. § 924(c)(1)(D)(ii) (2006).

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Dominguez Martinez, in writing, of the right to petition the Supreme Court of the United States for further review. If Dominguez Martinez 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 Dominguez Martinez.

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