

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-5012

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADENIYI J. ADEBIYI, a/k/a Niyi, a/k/a Mike, a/k/a Ni,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Chief District Judge. (8:10-cr-00596-DKC-4)

Submitted: May 31, 2012

Decided: June 5, 2012

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Ron Earnest, LAW OFFICE OF RON EARNEST, Riverdale, Maryland, for Appellant. Robert K. Hur, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adeniyi J. Adebisiyi pled guilty, pursuant to a written plea agreement, to conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349 (2006), and aggravated identity theft, in violation of 18 U.S.C. § 1028A (2006). The district court sentenced him to forty-eight months' imprisonment. Appellate counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he asserts there are no meritorious issues for appeal but questions whether Adebisiy's sentence is reasonable. Adebisiy was notified of his right to file a pro se supplemental brief, but he has not done so. The Government, asserting Adebisiy waived his right to appeal his convictions and sentence in the plea agreement, has moved to dismiss this appeal to the extent Adebisiy raises any challenges to his convictions or sentence other than the voluntariness of his guilty plea.

Upon review of the plea agreement and the transcript of the Rule 11 hearing, we conclude that Adebisiy knowingly and voluntarily waived his right to appeal his sentence. Accordingly, we grant the Government's motion to dismiss in part and dismiss the appeal of Adebisiy's sentence. The Government's motion did not, however, seek to preclude our review of the voluntariness of Adebisiy's guilty plea. We have reviewed the transcript of the plea hearing and conclude that Adebisiy's plea was knowing and voluntary.

In accordance with Anders, we have reviewed the record as it pertains to Adebisi's guilty plea and have found no meritorious issues for appeal. We therefore affirm Adebisi's convictions. This court requires that counsel inform Adebisi, in writing, of the right to petition the Supreme Court of the United States for further review. If Adebisi 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 Adebisi.

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 IN PART;
AFFIRMED IN PART