

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4944

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTIAN POYTHRESS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:11-cr-00346-CCE-1)

Submitted: August 15, 2013

Decided: August 23, 2013

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

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Stacey D. Rubain, QUANDER & RUBAIN, Winston-Salem, North Carolina, for Appellant. Stephen Thomas Inman, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christian Poythress appeals the district court's judgment sentencing him to 168 months' imprisonment. Poythress' counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), questioning whether Poythress' sentence was procedurally reasonable. The Government has moved to dismiss the appeal as barred by Poythress' waiver of the right to appeal included in the plea agreement. Upon review of the plea agreement and the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that Poythress knowingly and voluntarily waived his right to appeal his sentence on any ground and that the issue Poythress seeks to raise on appeal falls squarely within the compass of his waiver of appellate rights. Accordingly, Poythress' appeal is dismissed to the extent that he seeks review of his sentence.

We have reviewed the entire record in accordance with Anders for any meritorious issues outside of the scope of Poythress' waiver of appellate rights and found none. We therefore affirm Poythress' conviction. This court requires that counsel inform Poythress, in writing, of the right to petition the Supreme Court of the United States for further review. If Poythress 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 Poythress.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument will not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART