

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4271

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERVAN MATTHEW HARVEY, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, Senior District Judge. (3:05-cr-00605-CMC-1)

Submitted: October 14, 2015

Decided: October 20, 2015

Before KING, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James P. Rogers, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. Stacey Denise Haynes, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ervan Matthew Harvey, Jr., appeals the district court's judgment revoking his term of supervised release and sentencing him to 14 months' imprisonment, followed by a 2-year term of supervised release. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether the district court abused its discretion in revoking Harvey's supervised release. Although advised of his right to file a pro se supplemental brief, Harvey has not done so. The Government has declined to file a response brief. Following our careful review of the record, we affirm.

We review for abuse of discretion a district court's judgment revoking supervised release and imposing a term of imprisonment. United States v. Pregent, 190 F.3d 279, 282 (4th Cir. 1999); United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C. § 3583(e)(3) (2012); Copley, 978 F.2d at 831. The court's factual findings are reviewed for clear error. United States v. Padgett, 788 F.3d 370, 372-73 (4th Cir. 2015). We conclude that the district court did not clearly err in finding that Harvey violated the stated conditions of supervised release. Accordingly, the court did not abuse its discretion by

revoking Harvey's supervised release and ordering a term of imprisonment.

In accordance with Anders, we have reviewed the record and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Harvey, in writing, of the right to petition the Supreme Court of the United States for further review. If Harvey 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 Harvey. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED