

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-4689**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JULIAN HARRISON LIPSCOMB,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:14-cr-00411-NCT-1)

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Submitted: May 18, 2016

Decided: May 20, 2016

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Before SHEDD, DIAZ, and HARRIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Louis C. Allen, Federal Public Defender, Mireille P. Clough, Assistant Federal Public Defender, Winston-Salem, North Carolina, for Appellant. Kyle David Pousson, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Julian Harrison Lipscomb pled guilty, pursuant to a written plea agreement, to felon in possession of ammunition, in violation of 18 U.S.C. §§ 922(g)(1), 924(e) (2012). He was sentenced as an armed career criminal to the mandatory minimum sentence of 180 months' imprisonment. On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal in her opinion, but questioning whether Lipscomb's prior North Carolina conviction for breaking and entering was punishable for a term exceeding one year to qualify as a predicate offense for the armed career criminal sentencing enhancement. Although advised of his right to do so, Lipscomb has not filed a pro se supplemental brief. The Government declined to file a brief.

Lipscomb has a prior North Carolina conviction for breaking and entering for which he received 4 to 14 months' imprisonment. Counsel for Lipscomb argues that, because the North Carolina Justice Reinvestment Act of 2011 required that 9 months of that sentence be served on postrelease supervision, the state conviction was not punishable by a term exceeding a year in prison. As counsel for Lipscomb concedes, this argument is foreclosed by our recent decision in United States v. Barlow, 811 F.3d 133, 140 (4th Cir. 2015), petition for cert. filed, No. 15-8925 (U.S. Apr. 8, 2016).

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