

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4054

STACEY LYNN OLIVER,

Defendant-Appellant.

Appeal from the United States District Court
for the District of South Carolina, at Greenwood.
Henry M. Herlong, Jr., District Judge.
(CR-98-177-8-1)

Submitted: August 31, 1999

Decided: September 21, 1999

Before WILLIAMS and MICHAEL, Circuit Judges, and
BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

David W. Plowden, Assistant Federal Public Defender, Greenville,
South Carolina, for Appellant. David Calhoun Stephens, Assistant
United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Stacy Lynn Oliver appeals from his conviction following his guilty plea to one count of wire fraud, in violation of 18 U.S.C. § 1343 (1994). Oliver's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), claiming that the district court abused its discretion in denying Oliver's motions to withdraw his guilty plea and for substitution of counsel, but concluding that there are no meritorious grounds for appeal. In accordance with the requirements of Anders, we have examined the entire record and find no meritorious issues for appeal. Consequently, we affirm Oliver's conviction and sentence.

This court reviews the denial of a motion to withdraw a guilty plea for abuse of discretion. See United States v. Craig, 985 F.2d 175, 178 (4th Cir. 1993). Because the district court properly applied the factors set out in United States v. Moore, 931 F.2d 245, 248 (4th Cir. 1991), to Oliver's motion, we find that the court did not abuse its discretion in denying that motion.

This court also reviews the denial of a motion for substitution of counsel for abuse of discretion. See United States v. DeTemple, 162 F.3d 279, 288 (4th Cir. 1998), cert. denied, 119 S. Ct. 1793 (1999). The record shows that Oliver failed to present a basis justifying appointment of new counsel and that the district court's denial of his motion for substitute counsel did not amount to an abuse of discretion.

Accordingly, we affirm Oliver's conviction. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that such 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 the client. We dispense with oral argument because the facts and legal contentions are adequately pre-

mented in the materials before the court and argument would not aid the decisional process.

AFFIRMED