

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4133

YANCY NATHANIEL BOWMAN,

Defendant-Appellant.

Appeal from the United States District Court  
for the Middle District of North Carolina, at Durham.  
James A. Beaty, Jr., District Judge.  
(CR-98-255)

Submitted: August 10, 1999

Decided: September 24, 1999

Before ERVIN,\* MOTZ, and TRAXLER,  
Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Louis C. Allen III, Federal Public Defender, John A. Dusenbury, Jr.,  
Assistant Federal Public Defender, Greensboro, North Carolina, for  
Appellant. Walter C. Holton, Jr., United States Attorney, Sandra J.

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\*Judge Ervin participated in the consideration of this case but died  
prior to the time the decision was filed. The decision is filed by a quorum  
of the panel pursuant to 28 U.S.C. § 46(d).

Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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## OPINION

### PER CURIAM:

Yancy Nathaniel Bowman appeals his 168-month sentence imposed after a guilty plea to possession with intent to distribute crack cocaine and cocaine hydrochloride, in violation of 21 U.S.C.A. § 841(a)(1), (b)(1)(A) (West 1994 & Supp. 1999). Bowman's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that, in his view, there are no meritorious grounds for appeal. Bowman was notified of his right to file a pro se supplemental brief, but he has failed to do so. Finding no reversible error, we affirm.

Bowman challenges his sentence on the ground that the district court erred in calculating the amount of drugs used to establish a base offense level of thirty-eight. Because Bowman withdrew his objection to the amount of drugs at the sentencing hearing, he has forfeited review of this claim, absent plain error. See United States v. Wells, 163 F.3d 889, 900 (4th Cir. 1998). We find no plain error in the district court's determination of the amount of drugs attributable to Bowman. See United States v. Olano, 507 U.S. 725, 732-37 (1993).

As required by Anders, we have examined the entire record and find no reversible error. Accordingly, we affirm Bowman's conviction and sentence and deny counsel's motion for leave to withdraw. 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 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 presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED