

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4289

TERRY DENNIS,

Defendant-Appellant.

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
Patrick Michael Duffy, District Judge.
(CR-98-598)

Submitted: December 29, 1999

Decided: January 31, 2000

Before NIEMEYER and KING, Circuit Judges,
and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

J. Robert Haley, Assistant Federal Public Defender, Charleston, South
Carolina, for Appellant. Miller Williams Shealy, Jr., OFFICE OF
THE UNITED STATES ATTORNEY, Charleston, South Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Terry Dennis appeals from a twenty-four month sentence imposed following his guilty plea to conspiring to possess with the intent to distribute and to distribute cocaine. Dennis' attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Counsel states that there are no meritorious grounds for appeal but addresses the following issue: whether the district court erred in failing to order that Dennis be placed in a drug treatment program. Dennis filed a pro se supplemental brief claiming that the district court erred in failing to include in the judgment a notation that Dennis be placed in a drug treatment program in a particular institution, and that the court should have sua sponte departed downward based on post-conviction rehabilitation and because Dennis' criminal history score over-represented his criminal history. Because our review of the record reveals no reversible error, we affirm.

The power to designate an inmate's place of incarceration rests solely with the Bureau of Prisons. See 18 U.S.C.A. § 3621(b) (West 1985 & Supp. 1999). We further find that the court fully complied with the requirements of 18 U.S.C.A. § 3553 (West 1985 & Supp. 1999). A review of the record reveals that Dennis was properly sentenced, and there is no evidence that the district court misapprehended its authority to downwardly depart below the applicable guideline range. See United States v. Jones, 18 F.3d 1145, 1148 (4th Cir. 1994).

We have examined the entire record in this case in accordance with the requirements of Anders, and find no meritorious issues for appeal. 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. Coun-

sel'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