

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4385

JEFFREY SCOTT BAILEY,

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-98-344)

Submitted: December 16, 1999

Decided: January 13, 2000

Before MURNAGHAN and MOTZ, Circuit Judges, and
BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Louis C. Allen III, Federal Public Defender; Eric D. Placke, Assistant
Federal Public Defender, Greensboro, North Carolina, for Appellant.
Walter C. Holton, Jr., United States Attorney, Michael F. Joseph,
Assistant United States Attorney, Greensboro, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Jeffrey Scott Bailey pled guilty to possession of a firearm by a convicted felon, see 18 U.S.C.A. § 922(g)(1) (West Supp. 1999), and was sentenced to a term of sixty-three months imprisonment. Bailey's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising one issue but indicating that, in his view, there are no meritorious issues for appeal. Bailey has been informed of his right to file a pro se supplemental brief but has not filed a brief. After a thorough review of the record, we affirm the conviction and sentence.

In the Anders brief, counsel challenges the district court's decision to impose sentence at the top of the guideline range of 51-63 months. We have held, however, that a sentencing court has complete discretion to impose sentence at any point within a correctly calculated guideline range, and the appeals court lacks jurisdiction to review its decision. See United States v. Jones, 18 F.3d 1145, 1151 (4th Cir. 1994). Bailey made no objection to the calculation of the guideline range in the district court, thereby forfeiting the issue, and no error is evident in the record.

Pursuant to Anders, this court has reviewed the record for reversible error and found none. We therefore affirm the conviction and sentence. 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, then counsel may move 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