

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4452

KENNETH M. HARRIS,

Defendant-Appellant.

Appeal from the United States District Court
for the District of South Carolina, at Spartanburg.
Margaret B. Seymour, District Judge.
(CR-96-740)

Submitted: November 18, 1999

Decided: November 30, 1999

Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Leesa Washington, FEDERAL PUBLIC DEFENDER'S OFFICE,
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Unpublished opinions are not binding precedent in this circuit.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:

Kenneth M. Harris appeals the district court's revocation of his supervised release and its imposition of a six-month prison sentence, based upon his admitted violation of the terms and conditions of the supervised release. Harris' attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), claiming that the district court erred by imposing the six-month prison sentence but concluding that there are no meritorious issues for appeal. Harris did not file a supplemental pro se brief. In accordance with the requirements of Anders, we have examined the entire record and find no meritorious issues for appeal.

After Harris pled guilty to violating 42 U.S.C.A. § 408(a)(7)(B) (West Supp. 1999) and 18 U.S.C. § 2 (1994) for false representation of a social security number, the district court sentenced him to ten months in prison followed by three years of supervised release. While on supervised release, Harris violated terms of his supervised release by: (1) receiving a new criminal conviction; and (2) failing to make required monthly restitution payments. Harris admitted the violation at his revocation hearing. The district court sentenced Harris to six months in prison and Harris timely appealed.

We review a district court's revocation of supervised release for abuse of discretion. See United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992). Harris' claim that the district court erred when it revoked his supervised release and sentenced him to six months in prison is without merit given his admission at the revocation hearing. Harris does not dispute that the court correctly calculated his guidelines sentence range and that the range was within the statutory maximum penalty. Consequently, we decline to review Harris' sentence. See United States v. Porter, 909 F.2d 789, 794 (4th Cir. 1990). Accordingly, we affirm the district court's order.

This Court requires that counsel inform her 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 presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED