

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
HECTOR SALVADOR DALMASI, <i>Defendant-Appellant.</i>

No. 01-4268

Appeal from the United States District Court
for the District of South Carolina, at Greenville.
G. Ross Anderson, Jr., District Judge.
(CR-00-495)

Submitted: October 4, 2001

Decided: October 16, 2001

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Leesa Washington, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Isaac Louis Johnson, Jr., OFFICE OF THE 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Unpublished opinions are not binding precedent in this circuit.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:

Hector Salvador Dalmasi appeals his conviction and 108-month sentence imposed upon his guilty plea to possession with intent to distribute cocaine and cocaine base in violation of 21 U.S.C.A. § 841(b)(1)(A) (West 1999). Dalmasi's attorney filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), raising three issues on appeal but stating that, in his view, there are no meritorious issues for appeal. Dalmasi was informed of his right to file a pro se supplemental brief but has failed to do so.

Dalmasi reserved the right to appeal the suppression of evidence found during a traffic stop. The district court did not err in determining that the stop of Dalmasi's vehicle was proper based on the undisputed testimony that he had committed several traffic infractions. *See, e.g., Whren v. United States*, 517 U.S. 806, 810-19 (1996). Once the vehicle was stopped, there was evidence suggesting that the vehicle contained drugs, so the subsequent search was supported by probable cause. *United States v. Jeffus*, 22 F.3d 554, 557 (4th Cir. 1994).

Our review of Dalmasi's guilty plea and the Fed. R. Crim. P. 11 hearing reveal no error. *United States v. DeFusco*, 949 F.2d 114, 116-17 (4th Cir. 1991). This court lacks the authority to review a sentence within a correctly calculated guideline range that results in a sentence within the statutory maximum. *United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990).

In accordance with *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Dalmasi's conviction and sentence. 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 a petition be filed, but counsel believes that such 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 in the decisional process.

AFFIRMED