

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

EVARISTO PAZ-ZAMORA,
Defendant-Appellant.

No. 01-4371

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
Frank W. Bullock, Jr., District Judge.
(CR-00-406)

Submitted: October 4, 2001

Decided: October 16, 2001

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina. Benjamin H. White, Jr., United States Attorney, Arnold L. Husser, 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Unpublished opinions are not binding precedent in this circuit.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:

Evaristo Paz-Zamora appeals the sentence imposed following his guilty plea to unlawful re-entry after deportation by an alien who had previously been convicted of an aggravated felony in violation of 8 U.S.C.A. §§ 1326(a), (b)(1)(West 1999). Paz-Zamora's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel states there are no meritorious issues for appeal, but contends on Paz-Zamora's behalf that the district court erred in sentencing Paz-Zamora to ninety months' imprisonment, which was within the guidelines range of seventy-seven to ninety-six months. Paz-Zamora was informed of his right to file a pro se supplemental brief but has not done so.

As Paz-Zamora presents no challenge to the calculation of the guidelines range but merely contends his sentence was too high within the correct range, we find he is not entitled to appellate review on his claim. *See United States v. Jones*, 18 F.3d 1145, 1150-51 (4th Cir. 1994); *United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990). In addition, we have examined the entire record in this case in accordance with the requirements of *Anders* and find no meritorious issues for appeal. We therefore affirm Paz-Zamora's conviction and sentence.

This court requires counsel to inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests a petition be filed, but counsel believes 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. Finally, 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