

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ALFONSO ANDRES PEREZ-CRUZ, a/k/a
Andres, a/k/a Omar, a/k/a Omar
Cruz,

Defendant-Appellant.

No. 01-4596

Appeal from the United States District Court
for the Western District of North Carolina, at Charlotte.
Graham C. Mullen, Chief District Judge.
(CR-00-74-MU)

Submitted: March 12, 2002

Decided: April 16, 2002

Before MICHAEL, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Charles L. Morgan, Jr., Charlotte, North Carolina, for Appellant.
Brian Lee Whisler, OFFICE OF THE UNITED STATES ATTOR-
NEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Alfonso Andres Perez-Cruz was charged in six counts of an eight-count indictment. Count 1 charged Perez-Cruz with conspiracy to commit unlawful possession of document-making implements with intent to produce false identification documents in violation of 18 U.S.C.A. §§ 1028(a)(3), (a)(5), 1546 (West 2000); Count 2 charged him with knowingly possessing with intent to unlawfully use and transfer five or more false identification documents in violation of 18 U.S.C.A. § 1028(a)(3); Count 3 charged him with knowingly possessing in and affecting interstate and foreign commerce document-making implements with intent to use in the production of false identification documents and aiding and abetting the same in violation of 18 U.S.C.A. § 1028(a)(5)(2); Count 4 charged him with knowingly forging, counterfeiting, falsely making, possessing and uttering alien registration receipt cards in violation of 18 U.S.C.A. § 1546(a); Count 5 charged him with knowingly counterfeiting Social Security cards and possessing Social Security cards and counterfeit Social Security cards with intent to sell or alter them and aiding and abetting the same in violation of 42 U.S.C.A. § 408(a)(7)(C) (West Supp. 2001); and Count 6 charged him with being an alien who had previously been deported and illegally re-entered the United States in violation of 8 U.S.C.A. § 1326(a) (West 1999). Perez-Cruz pled guilty to the charges and was sentenced to concurrent thirty-seven month prison terms on each of Counts 1 through 5, a concurrent twenty-four month sentence on Count 6 and concurrent periods of supervised release of two years on each of Counts 1 through 5 and one year on Count 6.

Perez-Cruz's attorney filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), raising the issue of whether the district court erred in applying a four-level enhancement for participating as a leader or organizer under *U.S. Sentencing Guidelines Manual* § 3B1.1(a) (2000), but stating that, in his view, there are no meritori-

ous issues for appeal. Perez-Cruz was informed of his right to file a pro se supplemental brief but has not done so.

We review the district court's factual findings concerning sentencing factors for clear error and its legal determinations de novo. *United States v. France*, 164 F.3d 203, 209 (4th Cir. 1998). We have reviewed the record and conclude that the application of the four-level enhancement was not erroneous.

In accordance with *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Perez-Cruz's 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, 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 the decisional process.

AFFIRMED